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Commonwealth of Massachusetts,

PASSED BY THE

GENERAL COURT,

IN THE YEARS

1837 AND 1838.

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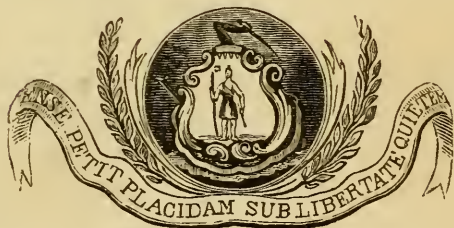
OF THE

Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THEIR SESSION, WHICH COMMENCED ON WEDNESDAY, THE FOURTH OF JANU-
ARY, AND ENDED ON THURSDAY, THE TWENTIETH OF APRIL, ONE
THOUSAND EIGHT HUNDRED AND THIRTY-SEVEN.

Published agreeably to a Resolbe of the sixteenth January, 1812.



Boston:

DUTTON AND WENTWORTH, PRINTERS TO THE STATE.

.....
1837.

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ONE THOUSAND EIGHT HUNDRED AND THIRTY-SEVEN.

CHAP. I.

An Act concerning the Surplus Revenue of the
United States.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The treasurer and receiver general of this Commonwealth is hereby authorized to receive, on the terms prescribed in the thirteenth section of the act of Congress, entitled "an act to regulate the deposits of the public money," approved the twenty-third day of June, eighteen hundred and thirty-six, the proportion of the moneys thereby directed

Treasurer authorized to receive moneys, &c.

to be deposited with the several States, which may, according to the provisions of that section, be deposited with this State; and to sign and deliver, to the secretary of the treasury of the United States, such certificates of deposit therefor as may be required under the provisions of that section; and to pledge the faith of this State for the safe keeping and re-payment thereof, in such manner as may be necessary to entitle the treasurer and receiver general to receive, for and in behalf of this State, said proportion of the moneys before mentioned.

[Approved by the Governor, January 19, 1837.]

CHAP. II.

An Act to incorporate the Mountain Seminary, at Worthington.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorpo-
rated.

SEC. 1. William Wetmore, Hiram Bagg and William Ward, their associates and successors, are hereby made a corporation, by the name of "The Mountain Seminary," to be established at Worthington, in the county of Hampshire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold real and personal estate to the amount of thirty thousand

dollars, to be devoted exclusively to the purposes of education.

[Approved by the Governor, February 7, 1837.]

CHAP. III.

An Act to incorporate the Conway Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Edmund Burke, Elijah Arms and John Thomas, their associates and successors, are hereby made a corporation, by the name of the "Conway Manufacturing Company," for the purpose of manufacturing cotton and woollen goods, and machinery, in the town of Conway, in the county of Franklin ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Persons incorporated.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of thirty thousand dollars, and personal estate to the amount of seventy thousand dollars. Estate.

[Approved by the Governor, February 7, 1837.]

CHAP. IV.

An Act in addition to an Act entitled "an Act incorporating the City of Salem."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Assistant assessors.

SEC. 1. The city of Salem shall be divided into four wards, and the city council shall elect annually one or more assistant assessors in each ward.

Common councilmen.

SEC. 2. Six common councilmen shall be annually elected in each ward ; and whenever it shall so happen that the whole number of common councilmen shall not be chosen at the meeting or meetings now provided for, the same proceedings shall be had as are provided with reference to the choice of mayor.

Health commissioners.

SEC. 3. The city council may elect health commissioners from either or both branches of said city council.

Organization of city government.

SEC. 4. The annual organization of the city government shall take place on the fourth Monday in March ; and the present officers shall hold their offices until others shall be chosen and qualified in their stead.

Vacancies, how filled.

SEC. 5. In case of the death or resignation of any member of the board of aldermen, or of the common council, such vacancy may be filled at any regular meeting of the inhabitants of said city, called for that purpose.

SEC. 6. All the provisions of the act to which

this is in addition, inconsistent with the provisions of this act, are hereby repealed.

SEC. 7. This act shall be void unless the inhabitants of said city, at a general meeting called for that purpose, shall, by written votes, accept the same, within twenty days from its passage.

Condition of
act.

[Approved by the Governor, February 9, 1837.]

CHAP. V.

An Act to authorize the sale of Parochial lands by the Baptist Society in Harwich.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The Baptist Society in Harwich is hereby authorized to sell a tract of land owned by said society, lying in said town ; and the treasurer of said society, for the time being, is authorized to execute a deed or deeds to convey the same to the purchaser.

Society authorized to sell tract of land.

SEC. 2. The proceeds of such sale or sales of said land shall be expended for parochial purposes, and none other.

Proceeds of sale, how to be expended.

[Approved by the Governor, February 9, 1837.]

CHAP. VI.

An Act to incorporate the Springfield Satinet Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the Same, as follows :*

Persons incorpo-
rated.

SEC. 1. Elisha Curtis, Walter H. Bowdoin and William Child, their associates and successors are hereby made a manufacturing corporation by the name of "the Springfield Satinet Company" for the purpose of manufacturing woollen and cotton goods and machinery in the town of Springfield, in the county of Hampden ; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of thirty thousand dollars, and the whole capital shall not exceed one hundred thousand dollars.

[Approved by the Governor, February 9, 1837.]

CHAP. VII.

An Act to incorporate the State Mutual Fire Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Henry Noyes, J. B. Russell, and Lemuel Shattuck, their associates and successors, are hereby made a corporation, by the name of the State Mutual Fire Insurance Company, to be located in the city of Boston, in the county of Suffolk, for the purpose of making insurance upon any building, stock, or other property whatever, within the Commonwealth, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, for the term of twenty-eight years.

Persons incorporated.

[Approved by the Governor, February 11, 1837.]

CHAP. VIII.

An Act to extend the time for paying in the Capital Stock of the Packet Insurance Company, and for other purposes.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Time extended
for paying in
capital.

SEC. 1. The time wherein the capital stock of the Packet Insurance Company is by law required to be paid in, is hereby extended to the fourteenth day of March, in the year one thousand eight hundred and thirty-eight.

When to com-
mence business.

SEC. 2. The said company may commence their business when one hundred thousand dollars of said stock shall have been paid in, being restricted to eight per centum on any one risk ; and whenever said stock shall be increased to one hundred and fifty thousand dollars, ten per centum may be taken on any one risk : *provided, however,* that the whole amount of two hundred thousand dollars shall be paid in within two years from the passing of this act.

[Approved by the Governor, February 11, 1837.]

CHAP. IX.

An Act to increase the Capital Stock of the Merrimack Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Merrimack Manufacturing Company is hereby authorized to increase its capital stock by the creation of five hundred additional shares, of one thousand dollars each. Increase of capital.

[Approved by the Governor, February 11, 1837.]

CHAP. X.

An Act to increase the Capital Stock of the Hamilton Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Hamilton Manufacturing Company at Lowell, is hereby authorized to increase its present capital stock by an addition thereto of two hundred and fifty thousand dollars. Increase of capital.

[Approved by the Governor, February 11, 1837.]

CHAP. XI.

An Act to increase the Capital Stock of the Boott Cotton Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Increase of capital.

The Boott Cotton Mills are hereby authorized to increase their capital stock by the creation of such number of additional shares, not exceeding five hundred, of one thousand dollars each, as the said corporation may on the completion of their works, find to be needful.

[Approved by the Governor, February 11, 1837.]

CHAP. XII.

An Act to incorporate the La Fayette Fire and Marine Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SEC. 1. Isaac Leonard, George W. Lewis and Ezra Hutchins, their associates and successors, are hereby made a corporation by the name of the La Fayette Fire and Marine insurance Company, to be located in the city of Boston, in the county of Suf-

folk, for the purpose of making maritime loans, and insurance against maritime losses, and losses by fire, in the customary manner, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, for the term of twenty years from the passing of this act.

SEC. 2. The said corporation may hold any es- Estate.
tate, real or personal, for the use of said company :
provided, that the real estate shall not exceed the
value of fifty thousand dollars, excepting such as
may be taken for debt, or held as collateral security
for money due the said company.

SEC. 3. The capital stock of said company shall Capital stock.
be two hundred thousand dollars, and shall be divid-
ed into shares of one hundred dollars each, and shall
be collected and paid in, in such instalments and
under such provisions and penalties, as the president
and directors of said company shall order and ap-
point.

SEC. 4. The said company may commence their Corporation
when to com-
mence business.
business when one hundred thousand dollars of said
stock shall have been paid in, being restricted to
eight per centum on any one risk, and whenever
said stock shall be increased to one hundred and fifty
thousand dollars, ten per centum shall be allowed to
be taken on any one risk : *provided, however*, that
the whole amount of two hundred thousand dollars
shall be paid in, within two years from the passing
of this act.

[Approved by the Governor, February 11, 1837.]

CHAP. XIII.

An Act relating to the Salary of the Sergeant at Arms.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

From and after the first day of January, one thousand eight hundred and thirty-seven, the sergeant at arms shall receive an annual salary of one thousand dollars, instead of eight hundred and fifty dollars, as provided in the sixty-fifth section of the thirteenth chapter of the Revised Statutes.

[Approved by the Governor, February 14, 1837.]

CHAP. XIV.

An Act to change the name of the Town of Ward.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The name of the town of Ward, in the county of Worcester, is hereby changed to the name of Auburn, and said town shall henceforth be known and called by the said last mentioned name, any thing in the act whereby the said town was incorporated, to the contrary notwithstanding.

[Approved by the Governor, February 17, 1837.]

CHAP. XV.

An Act to incorporate the Central Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SEC. 1. Ebenezer D. Ammidown, Hiram Wheelock, Linus Child, their associates and successors, are hereby made a corporation by the name of the Central Manufacturing Company, for the purpose of manufacturing cotton, in the town of Southbridge, in the county of Worcester; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes of this Commonwealth.

Persons incorporated.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of seventy-five thousand dollars, and personal estate not exceeding the value of one hundred and fifty thousand dollars.

Estate.

[Approved by the Governor, February 17, 1837.]

CHAP. XVI.

An Act to establish the division line between the towns of Wellfleet and Truro.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The dividing line between the towns of Wellfleet and Truro shall hereafter be as follows, viz : Beginning at a stone monument on the westerly side of the Cape ; thence westerly four rods to the Bay ; thence from said monument east one degree north, three hundred and eighty-two rods and thirteen links to a stake ; thence east one degree north, two hundred and forty-six rods and eight links to a pine tree, marked T. and W. ; thence east one hundred and eighty-three rods to a stone ; thence east three degrees south, one hundred and eight rods and five links to a stake ; and thence east four degrees south, three hundred and sixty rods and seventeen links to a stone monument ; thence east to the ocean.

[Approved by the Governor, February 22, 1837.]

CHAP. XVII.

An Act to authorize the Taunton Branch Rail-road Corporation to increase their capital stock.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Taunton Branch Rail-road Corporation are hereby authorized to increase their capital stock to an amount not exceeding fifty thousand dollars, by the creation of an additional number of shares, not exceeding five hundred, of one hundred dollars each ; the said shares to be disposed of in such manner as the corporation shall determine, and to be assessed as the directors shall find expedient ; the amount thus raised to be applied to the purposes specified in their act of incorporation.

Increase of capital stock.

[Approved by the Governor, February 22, 1837.]

CHAP. XVIII.

An Act in addition to an act to incorporate the Skinnaquits Fishing Company, in Harwich and Chatham.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

The time of holding the annual meeting of the Skinnaquits Fishing Company in Harwich and Chatham, shall be on the first Tuesday in March, instead of the first Tuesday in April, as now provided in the act to incorporate said company.

[Approved by the Governor, February 22, 1837.]

CHAP. XIX.

An Act in addition to an Act entitled "an Act to establish the City Bank in Lowell."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Time for paying in capital stock extended.

The time for paying in the capital stock of the corporation created by the act to which this is in addition, is hereby extended to the first Monday in October, in the year one thousand eight hundred and thirty-seven; and the said act, to which this is in addition, and all the doings under and by virtue

thereof, as well before as after the passage of this act, shall have the same validity, force and effect, as if said capital stock had been paid in on or before the first day of January, in the year one thousand eight hundred and thirty-seven, any thing in said act, to which this is in addition, to the contrary notwithstanding.

[Approved by the Governor, February 22, 1837.]

CHAP. XX.

An Act to incorporate the Odiorne Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SEC. 1. George Odiorne, Josiah J. Fisk and Joseph J. Fales, their associates and successors, are hereby made a corporation, by the name of the Odiorne Manufacturing Company, for the purpose of manufacturing machinery and cotton and woollen goods in the town of Sturbridge, in the county of Worcester, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of three hundred thousand dollars, and the whole capital stock of the said corporation shall not exceed the amount of five hundred thousand dollars.

Estate.

[Approved by the Governor, February 22, 1837.]

CHAP. XXI.

An Act to incorporate the Dedham Mutual Fire Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

Leonard Hodges, Erastus Worthington and Harvey Clap, their associates and successors, are hereby made a corporation by the name of the Dedham Mutual Fire Insurance Company, in the town of Dedham, in the county of Norfolk, for the purpose of insuring buildings, stock in trade, and all other kinds of personal property, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, for the term of twenty-eight years.

[Approved by the Governor, February 22, 1837.]

CHAP. XXII.

An Act concerning pilotage in New Bedford and Fairhaven.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Rate of Pilotage.

The rate of pilotage for all vessels outward bound from the ports of New Bedford and Fairhaven, shall

be one dollar and fifty cents a foot ; and so much of the thirty-seventh section of the thirty-second chapter of the Revised Statutes as fixes the rate of pilotage for outward bound vessels at one dollar a foot, is hereby repealed.

[Approved by the Governor, February 23, 1837.]

CHAP. XXIII.

An Act to incorporate the Boston Fatherless and Widows' Society.

BE it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Lydia Boles, M. P. Blagden and Elizabeth F. Gurney, with their associates and successors, are hereby made a corporation by the name of the Boston Fatherless and Widows' Society, with power to take and hold, by subscription, gift, grant, purchase, bequest or otherwise, personal and real estate, not exceeding in amount at any one time fifty thousand dollars ; the funds so held, and the income thereof, to be expended and applied for the purpose of relieving indigent widows and fatherless children, subject to the provisions of the forty-fourth chapter of the Revised Statutes of this Commonwealth.

Persons incorporated.

[Approved by the Governor, February 23, 1837.]

CHAP. XXIV.

An Act to incorporate the Boston Cotton and Woollen Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. John Cock, Samuel S. Ridgway and Joshua Child, their associates and successors, are hereby made a corporation by the name of the Boston Cotton and Woollen Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in the city of Boston, in the county of Suffolk ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of forty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred and fifty thousand dollars.

[Approved by the Governor, February 23, 1837.]

CHAP. XXV.

An Act to incorporate the Warren Street Chapel
Religious and Scientific Association.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Charles F. Barnard, H. J. Bowditch and John L. Emmons, their associates and successors, are hereby made a corporation by the name of the Warren Street Chapel Religious and Scientific Association, for the purposes of establishing and maintaining a library, a cabinet of Natural History and apparatus, and of giving instruction in religious and scientific knowledge, with power to take and hold by subscription, gift, grant, purchase, bequest or otherwise, personal and real estate, not exceeding in amount twenty thousand dollars ; the funds so held, and the income thereof, to be expended and applied so as best to promote the objects of the society, subject to the provisions of the forty-fourth chapter of the Revised Statutes of this Commonwealth.

Persons incorporated.

Estate.

[Approved by the Governor, February 23, 1837.]

CHAP. XXVI.

An Act to incorporate the Monson Branch Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Joseph L. Reynolds, Cyrus W. Holmes and Sheffield C. Reynolds, their associates and successors, are hereby made a corporation by the name of the Monson Branch Company, for the purpose of manufacturing cotton and woollen goods, in the town of Monson, in the county of Hampden ; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred and fifty thousand dollars.

[Approved by the Governor, February 23, 1837.]

CHAP. XXVII.

An Act to incorporate the Damask Cloth Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Otis Rich, William H. Montague and Lemuel Blake, their associates and successors, are hereby made a corporation by the name of the Damask Cloth Manufacturing Company, for the purpose of manufacturing damask cloth in the city of Boston, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Persons incorporated.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of thirty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars. Estate.

[Approved by the Governor, February 23, 1837.]

CHAP. XXVIII.

An Act to increase the Capital Stock of the Bristol Print Works.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Increase of capital.

The Bristol Print Works are hereby authorized to increase their capital stock to an amount not to exceed four hundred thousand dollars ; and to purchase and hold real estate to an amount not exceeding one hundred and seventy thousand dollars.

[Approved by the Governor, March 4, 1837.]

CHAP. XXIX.

An Act to incorporate the Boston Granite Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorporated.

SEC. 1. Joseph Richards, Luther Munn and Seriah Stevens, their associates and successors, are hereby made a corporation by the name of the Boston Granite Company, for the purpose of quarrying, hammering, cutting, manufacturing and vending granite stone in the town of Quincy in the county of Norfolk, and in Boston in the county of Suffolk ;

and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SEC. 2. The said corporation may hold for the Estate. purposes aforesaid, real estate to the amount of sixty thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred and fifty thousand dollars.

[Approved by the Governor, March 4, 1837.]

CHAP. XXX.

An Act to incorporate the Singletary Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Perley Goddard, Amasa Wood and Simon Farnsworth, their associates and successors, are hereby made a corporation by the name of the Singletary Manufacturing Company, for the purpose of manufacturing woollen and satinet cloths in the town of Millbury, in the county of Worcester ; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Persons incorporated.

SEC. 2. The said corporation may hold for the Estate. purposes aforesaid, real estate to the amount of forty thousand dollars, and the whole capital stock of

said corporation shall not exceed the sum of one hundred thousand dollars.

[Approved by the Governor, March 4, 1837.]

CHAP. XXXI.

An Act to incorporate the West Stockbridge and Hudson Marble and Lime Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Robbins Kellogg, Hubbard Fox and Charles B. Boynton; their associates and successors, are hereby made a corporation by the name of the West Stockbridge and Hudson Marble and Lime Company, for the purpose of quarrying, manufacturing, planing and vending marble, and the manufacturing and vending of lime, in the town of West Stockbridge, in the county of Berkshire; and for that purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said company may hold for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said company shall not exceed the amount of one hundred thousand dollars.

[Approved by the Governor, March 4, 1837.]

CHAP. XXXII.

An act to incorporate the Sutton Woollen Mills.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Joseph L. Freeman, Nehemiah C. Sibley and George Barber, their associates and successors, are hereby made a corporation by the name of the Sutton Woollen Mills, for the purpose of manufacturing woollen goods in the town of Sutton, in the county of Worcester ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Persons incorporated.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars. Estate.

[Approved by the Governor, March 4, 1837.]

CHAP. XXXIII.

An Act to incorporate the Weymouth Iron Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorporated.

SEC. 1. Jacob Perkins, Gad Robinson and Nahum Stetson, their associates and successors, are hereby made a manufacturing corporation by the name of the Weymouth Iron Company, for the purpose of manufacturing and working iron in the town of Weymouth, in the county of Norfolk ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of seventy thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred and fifty thousand dollars.

[Approved by the Governor, March 4, 1837.]

CHAP. XXXIV.

An Act to incorporate the Trustees of the New
England Christian Academy.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Amos Sheldon, Jonathan Buffum and Luther Baker, their associates and successors, are hereby made a corporation by the name of the New England Christian Academy, to be established in the town of Beverly, in the county of Essex ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated.

SEC. 2. The said corporation may hold real estate to the amount of twenty thousand dollars, and personal estate to the amount of thirty thousand dollars, to be devoted exclusively to the purposes of education.

Estate.

[Approved by the Governor, March 4, 1837.]

CHAP. XXXV.

An Act to incorporate the Livingston Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Edward A. Raymond, John Hews, Samuel Curtis and their associates and successors, are hereby made a manufacturing corporation by the name of the Livingston Company, for the purpose of manufacturing cotton, woollen and silk goods, and machinery, in the town of Lancaster, in the county of Worcester ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred and fifty thousand dollars.

[Approved by the Governor, March 4, 1837.]

CHAP. XXXVI.

An Act to extend the time for paying in the Capital Stock of the Newburyport Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The time wherein the capital stock of the Newburyport Insurance Company is by law required to be paid in, is hereby extended to the twenty-fifth day of March, in the year one thousand eight hundred and thirty-eight.

Time for paying
in capital stock
extended.

[Approved by the Governor, March 4, 1837.]

CHAP. XXXVII.

An Act authorizing Bartlett Murdock to extend his Wharf on the Wankinco River in Wareham.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Bartlett Murdock is hereby authorized to extend his wharf, situate on the Wankinco River in Wareham, from the easterly corner of his wharf now erected north eighteen degrees west, to the line of Silvanus Bourne's wharf lot ; and by said Bourne's line south seventy-nine degrees west, one hundred forty-

Wharf may be
extended.

five feet, to the upper corner of his wharf aforesaid : *provided*, that such extension shall not infringe on the legal rights of others.

[Approved by the Governor, March 4, 1837.]

CHAP. XXXVIII.

An Act to incorporate the Hampden Silk Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorpo-
rated.

SEC. 1. Charles B. Sexton, Erastus Barbour and George M. Fowle, their associates and successors, are hereby made a corporation, by the name of the Hampden Silk Manufacturing Company, for the purpose of manufacturing silk, in all its branches in the town of West Springfield, in the county of Hampden ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars.

[Approved by the Governor, March 4, 1837.]

CHAP. XXXIX.

An Act to continue in force An Act to incorporate the Manufacturers Insurance Company, and for other purposes.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The statute of the year one thousand eight hundred and twenty-two, incorporating the Manufacturers Insurance Company, and the several acts in addition thereto, shall be continued and remain in force for the term of twenty years from and after the twenty-third day of February, in the year one thousand eight hundred and forty-two; and said company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth Chapters of the Revised Statutes.

Statute continued in force.

SEC. 2. The said company is hereby authorized to increase its capital to any amount not exceeding four hundred thousand dollars, the additional stock to be divided into shares of one hundred dollars, and to be subscribed under the direction of the president and directors for the time being, and on such terms and conditions as they may order and appoint.

Company authorized to increase capital.

SEC. 3. The additional stock which may be subscribed as aforesaid, shall be paid in and invested in the same manner as the other part of the capital is required to be invested, within six months

Additional stock, how paid in.

from the time the assessments respectively shall be paid.

[Approved by the Governor March 4, 1837.]

CHAP. XL.

An Act to incorporate the North Andover Mills.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Joseph Kittredge, Eben Sutton and George Hodges, their associates and successors, are hereby made a corporation by the name of the North Andover Mills, for the purpose of manufacturing cotton and woollen goods in the town of Andover, in the county of Essex ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of seventy-five thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred thousand dollars.

[Approved by the Governor, March 4, 1837.]

CHAP. XLI.

An Act to incorporate the Taunton Iron Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Horatio Leonard, Samuel Crocker and Charles Richmond, their associates and successors, are hereby made a corporation by the name of the Taunton Iron Company, for the purpose of making and manufacturing iron in all its branches, in the towns of Taunton and Raynham, in the county of Bristol; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Persons incorporated.

SEC. 2. Said company may hold for the purposes aforesaid, real estate to the amount of one hundred thousand dollars, and the whole capital stock of said company shall not exceed the amount of three hundred thousand dollars. Estate.

[Approved by the Governor, March 7, 1837.]

CHAP. XLII.

An Act to establish the dividing line between the towns of Sutton and Northbridge.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Boundary line.

The following described line is hereby established as the dividing line between the towns of Sutton and Northbridge. Beginning at the most easterly angle of the town of Sutton, at a heap of stones in the centre of Blackstone river ; thence north eighty-two degrees and thirty minutes west, one hundred and eight rods on said line, to the ancient north-westerly corner of Mendon ; thence south eight degrees and forty-five minutes west, two hundred and fifty-two rods on said line ; thence north eighty-four degrees west, sixty-one rods and ten links ; thence south one degree and forty-five minutes east, sixty rods and eleven links ; thence south eighty-one degrees and fifteen minutes east, forty-nine rods and five links, to said ancient line between the towns of Mendon and Sutton ; thence south eight degrees and forty-five minutes west on said line, one hundred and forty rods and twenty-one links ; thence south eighty degrees forty-five minutes west, two hundred and twenty-five rods ; thence south sixteen degrees and twenty minutes west, one hundred and fifty-five rods and twenty links ; thence south forty-five degrees and twenty minutes west, two hundred ninety-nine rods and ten links to an

angle near the head of Swan pond ; thence through said pond south fifty-five degrees east, two hundred and twenty-six rods ; thence south thirty-seven degrees and forty minutes west, five hundred and twenty-three rods ; thence north seventy-four degrees east, three hundred and eighty-three rods ; thence south thirty-nine degrees and thirty minutes east, one hundred and twenty-three rods, to the said ancient line between Sutton and Mendon : and that all the territory being on the right of said line, proceeding in the above described courses, shall belong to the town of Sutton ; and all the territory being on the left of the same line, shall belong to the town of Northbridge.

[Approved by the Governor, March 7, 1837.]

CHAP. XLIII.

An Act to incorporate the Merchants and Mechanics Mutual Fire Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Adam Kinsley, Frederick W. Lincoln and Simon Presbrey, their associates and successors, are hereby made a corporation by the name of the Merchants and Mechanics Mutual Fire Insurance Company, in the town of Canton in the county of Norfolk, for the purpose of making insurance upon any buildings, machinery, stock and other personal property whatever, within this Commonwealth, with

Persons incorporated.

all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, for the term of twenty-eight years.

[Approved by the Governor, March 7, 1837.]

CHAP. XLIV.

An Act to incorporate the Richmond Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorpo-
rated.

SEC. 1. William A. F. Sproat, Charles Richmond and Hiram M. Barney, their associates and successors are hereby made a corporation, by the name of the Richmond Manufacturing Company, for the purpose of making, bleaching, colouring and finishing cotton goods in the town of Taunton, in the county of Bristol; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. Said company may hold for the purposes aforesaid, real estate to the amount of one hundred thousand dollars, and the whole capital stock of said company shall not exceed the amount of three hundred thousand dollars.

[Approved by the Governor, March 7, 1837.]

CHAP. XLV.

An Act to incorporate the Washington Granite Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Matthias Nutter, John H. Winkley and Hezekiah B. Martin, their associates and successors, are hereby made a corporation by the name of the "Washington Granite Company," for the purpose of quarrying, hammering, cutting and vending granite stone in Quincy, in the county of Norfolk, and in Boston, in the county of Suffolk; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of sixty-five thousand dollars, and the whole capital stock of said corporation shall not exceed the sum of one hundred and fifty thousand dollars.

Estate.

[Approved by the Governor, March 7, 1837.]

CHAP. XLVI.

An Act to alter the dividing line between the towns
of Lancaster and Sterling.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Dividing line altered.

The following described line shall hereafter be a part of the dividing line between the towns of Lancaster and Sterling, viz: beginning at the stone monument on the height of land, about midway between the houses of James Wilder and William Goss in Sterling, east of the bridleway which leads from said Wilder's to said Goss, and running a course north twelve degrees west, forty-four rods and fourteen links the easterly side of said bridleway, to a stake and stones at the northwesterly corner of the farm of Silas Thurston Jr.; and all that part of Lancaster which lies southwest of said line shall hereafter belong to Sterling.

[Approved by the Governor, March 7, 1837.]

CHAP. XLVII.

An Act authorizing Silvanus Bourne to extend his Wharf on the Wankinco River, in Wareham.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Silvanus Bourne is hereby authorized to extend his wharf, situated on the Wankinco River in Wareham, one hundred forty-five feet north, seventy-nine degrees east from the upper corner of Bartlett Murdock's wharf, as now built ; thence northwesterly by a direct line towards the upper corner of Barnabas Hedge's wharf, until it comes to said Hedge's line ; thence by said line southwesterly to said Bourne's wharf, as it now is : *provided*, such extension shall not infringe on the legal rights of others.

Wharf may be extended.

[Approved by the Governor, March 7, 1837.]

CHAP. XLVIII.

An Act to incorporate the Taunton Iron Foundry.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Charles Richmond, Samuel Crocker and John Duxbury, their associates and successors, are

Persons incorporated.

hereby made a corporation, by the name of the Taunton Iron Foundry, for the purpose of making iron and other castings, in the town of Taunton, in the county of Bristol, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. Said corporation may hold for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars.

[Approved by the Governor, March 7, 1837.]

CHAP. XLIX.

An Act to incorporate the Lee Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorpo-
rated.

SEC. 1. Winthrop Laffin, John C. Furber and Cutler Laffin, their associates and successors, are hereby made a corporation, by the name of the Lee Manufacturing Company, for the purpose of manufacturing cotton and paper, or either of them, in the town of Lee, in the county of Berkshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SEC. 2. The said corporation may hold real es- Estate.
tate for the purposes aforesaid, to the amount of
twenty-five thousand dollars, and the whole capital
stock of said corporation shall not exceed the amount
of fifty thousand dollars.

[Approved by the Governor, March 7, 1837.]

CHAP. L.

An Act to incorporate the Crocker Manufacturing Company.

BE *it enacted by the Senate and House of Rep-
resentatives, in General Court assembled, and by the
authority of the same, as follows :*

SEC. 1. Samuel Crocker, Charles Richmond and Persons incorpo-
rated.
Samuel B. King, their associates and successors, are
hereby made a corporation, by the name of the
Crocker Manufacturing Company, for the purpose
of making cotton cloth and machinery in the town
of Taunton, in the county of Bristol; and for this
purpose shall have all the powers and privileges,
and be subject to all the duties, restrictions and lia-
bilities set forth in the thirty-eighth and forty-fourth
chapters of the Revised Statutes.

SEC. 2. Said company may hold for the pur- Estate.
poses aforesaid, real estate to the amount of fifty
thousand dollars, and the whole capital stock of said
company shall not exceed the amount of one hun-
dred and fifty thousand dollars.

[Approved by the Governor, March 7, 1837.]

CHAP. LI.

An Act to incorporate the West Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Etheredge Clark Jr., Charles Richmond and Abigail West, their associates and successors, are hereby made a corporation, by the name of the West Manufacturing Company, for the purpose of making cotton goods and paper in the town of Taunton in the county of Bristol ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. Said company may hold for the purposes aforesaid, real estate to the amount of forty thousand dollars, and the whole capital stock of said company shall not exceed the amount of one hundred thousand dollars.

[Approved by the Governor, March 7, 1837.]

CHAP. LII.

An Act relating to Town Meetings.

BE *it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The annual town meeting, required by law to be holden in the month of March or April, may be held in the month of February, in any town which, at a legal meeting notified therefor, shall vote to take advantage of the provisions of this act. Annual town meeting.

[Approved by the Governor, March 7, 1837.]

CHAP. LIII.

An Act to incorporate the Proprietors of the Norton Female Seminary.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Laban M. Wheaton, Cyrus W. Allen and Lemuel Perry, their associates and successors, are hereby made a corporation, by the name of the Proprietors of "the Norton Female Seminary," to be established in the town of Norton, in the county of Bristol; with all the powers and privileges, and subject to all the duties, restrictions and Persons incorporated.

liabilities set forth in the forty-fourth chapter of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold real estate to the amount of ten thousand dollars, and personal estate to the amount of ten thousand dollars, to be devoted exclusively to purposes of education.

[Approved by the Governor, March 10, 1837.]

CHAP. LIV.

An Act relating to the effects of deceased Paupers.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Overseers of the Poor may take into their possession any property.

Upon the death of any pauper, who, at the time of his decease, shall be actually chargeable to any town within this Commonwealth, the overseers of the poor of such town may take into their possession all the personal property belonging to such pauper. And if no administration shall be taken upon the estate of such pauper within thirty days after his decease, the said overseers may sell so much of the said property as may be necessary to repay the expenses incurred for such pauper. And if any part of such property shall be withheld from the said overseers, they shall have the same remedy for the recovery of such property, or the value thereof, that an administrator of the estate of the said pauper might have in like case.

[Approved by the Governor, March 10, 1837.]

CHAP. LV.

An Act to extend the time for paying in the Capital Stock of the Blackstone Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The time wherein the capital stock of the Blackstone Fire and Marine Insurance Company is by law required to be paid in, is hereby extended to the twenty-third day of March, in the year one thousand eight hundred and thirty-eight.

Increase of capital stock.

[Approved by the Governor, March 10, 1837.]

CHAP. LVI.

An Act relating to unclaimed Dividends and Balances.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Every corporation in this Commonwealth shall in the month of January, in the year one thousand eight hundred and thirty-eight, and once in every five years after that time, publish a list of all dividends and balances which have remained unclaimed

Unclaimed dividends.

for two years or more, with the names of the persons to whose credit such dividends or balances stand; said publication to be made in some newspaper published in the city of Boston, and also in some newspaper in the county where such corporation is established, in case any newspaper be published in such county, and be continued in three successive papers.

[Approved by the Governor, March 10, 1837.]

CHAP. LVII.

An Act to incorporate the Hope Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. William Cleveland, Stephen Phillips, and Nathaniel L. Rogers, their associates and successors, are hereby made a corporation, by the name of the Hope Insurance Company, to be located in the city of Salem, in the county of Essex, for the purpose of making maritime loans, and insurance against maritime losses, in the customary manner, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, for the term of twenty years from the passing of this act.

Estate.

SEC. 2. The said corporation may hold any estate, real or personal, for the use of said company :

provided, that the real estate shall not exceed twenty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

SEC. 3. The capital stock of said company shall be one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be collected and paid in, in such instalments, and under such provisions and penalties, as the president and directors of said company shall order and appoint. Capital stock.

SEC. 4. The said company shall be empowered to commence their business, when one half of the capital stock aforesaid shall have been paid in, being restricted to eight per centum on any one risk : *provided, however*, that the whole amount of one hundred thousand dollars shall be paid in, within two years from the passing of this act. When to commence business.

[Approved by the Governor, March 10, 1837.]

CHAP. LVIII.

An Act to increase the Capital Stock of the Curtisville Cotton Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Curtisville Cotton Manufacturing Company may hold real estate to the amount of one hundred thousand dollars. Estate.

[Approved by the Governor, March 10, 1837.]

CHAP. LIX.

An Act to incorporate the Berkshire Mining Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Daniel Couch, Silas Garfield and John Merrell, their associates and successors, are hereby made a corporation, by the name of the Berkshire Mining Company, for the purpose of exploring and mining for iron and other minerals, and metals and coal, within the county of Berkshire, in this Commonwealth, and converting them to useful purposes ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold such real estate not exceeding twenty thousand dollars in value, and such personal estate not exceeding thirty thousand dollars, as may be necessary to carry into effect the purposes aforesaid.

[Approved by the Governor, March 10, 1837.]

CHAP. LX.

An Act to incorporate the Taunton Mechanics' Association.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. Thomas C. Brown, I. W. Crossman and Jos. Dixon, their associates and successors, are hereby made a corporation, by the name of "The Taunton Mechanics' Association," to be established in the town of Taunton, in the county of Bristol; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated.

SEC. 2. The said corporation may hold property in real and personal estate to the amount of twenty thousand dollars, to be devoted to the erection, in the town of Taunton, of a public edifice, which may contain a convenient lecture room, hall or halls suitable for the accommodation of public assemblies of the citizens, apartments suitable for mechanics' libraries and apparatus, and for instruction in mechanical science and arts.

Estate.

[Approved by the Governor, March 10, 1837.]

CHAP. LXI.

An Act to incorporate the Glendale Mills.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. John Z. Goodrich, Samuel G. Wheeler and Charles Worthington, their associates and successors, are hereby made a corporation, by the name of the Glendale Mills, for the purpose of manufacturing, dyeing and printing cotton and woollen goods at Glendale in the town of Stockbridge, and county of Berkshire; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of one hundred and fifty thousand dollars, and the whole capital stock of said corporation shall not exceed three hundred and fifty thousand dollars.

[Approved by the Governor, March 10, 1837.]

CHAP. LXII.

An Act to change the name of the Bridgewater Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Bridgewater Manufacturing Company may Name changed. take the name, and shall hereafter be known as the Ritchie Manufacturing Company.

[Approved by the Governor, March 10, 1837.]

CHAP. LXIII.

An Act to incorporate the Quincy Granite Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Benjamin F. Dudley, Gilman Dudley Persons incorporated. and Nathaniel F. Potter, their associates and successors, are hereby made a corporation, by the name of the Quincy Granite Company, for the purpose of quarrying, manufacturing and vending granite in the town of Quincy, in the county of Norfolk ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions

and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. Said corporation may hold for the purposes aforesaid, real estate to the amount of ten thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of seventy thousand dollars.

[Approved by the Governor, March 10, 1837.]

CHAP. LXIV.

An Act relating to the Middlesex Mechanics' Association.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May expend income for reading-room, &c.

The Middlesex Mechanics' Association shall have power to expend such a portion of their income as may be necessary for the purpose of establishing a suitable reading room, and furnishing the same with such books, pamphlets and newspapers, as may be necessary for the improvement of the members of the association; and also for the purpose of employing suitable persons to instruct said members, by lectures, or otherwise, in the various arts and sciences, any thing in the acts to which this is in addition to the contrary notwithstanding.

[Approved by the Governor, March 10, 1837.]

CHAP. LXV.

An Act relating to the form of Bank Returns.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The several banks which have been, or hereafter Bank returns. may be, incorporated in this Commonwealth, shall distinguish in their annual returns the bills in circulation which are of the denomination of five dollars and upwards, from those which are under that denomination, and shall place the said classes of bills in separate columns, and the Secretary of the Commonwealth shall furnish separate columns for the purpose aforesaid, in the blank forms of returns hereafter transmitted by him to the banks aforesaid.

[Approved by the Governor, March 10, 1837.]

CHAP. LXVI.

An Act to incorporate the Amherst Silk Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Martin Thayer, William McKee and Persons incorporated. William H. Scott, their associates and successors,

are hereby made a corporation, by the name of the Amherst Silk Company, for the purpose of carrying on the business of the culture and manufacture of silk, in all its branches, in the town of Amherst in the county of Hampshire ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purpose aforesaid, real estate to the amount of twenty thousand dollars, and the whole capital stock of said company shall not exceed the amount of fifty thousand dollars.

[Approved by the Governor, March 10, 1837.]

CHAP. LXVII.

An Act to incorporate the Fulton Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SEC. 1. Stephen White, Peter Harvey and I. C. Brodhead, their associates and successors, are hereby made a corporation, by the name of the Fulton Insurance Company, to be established in the city of Boston, in the county of Suffolk, for the purpose of making maritime loans, and insurance against maritime losses, and insurance against losses by fire, in the customary manner ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth

in the thirty-seventh and forty-fourth chapters of the Revised Statutes, for the term of twenty years.

SEC. 2. The said corporation may hold any es- Estate.
tate real or personal, for the use of said company :
provided, that the real estate shall not exceed the
value of fifty thousand dollars, excepting such as
may be taken for debt, or held as collateral security
for money due to said company.

SEC. 3. The capital stock of said company shall Capital stock.
be two hundred thousand dollars, and shall be di-
vided into shares of one hundred dollars each, and
shall be collected and paid in, in such instalments,
and under such provisions and penalties, as the pres-
ident and directors of said company shall order and
appoint.

[Approved by the Governor, March 10, 1837.]

CHAP. LXVIII.

An Act to incorporate the Northampton Sugar Beet Company.

BE *it enacted by the Senate and House of Rep-
resentatives, in General Court assembled, and by the
authority of the same, as follows :*

SEC. 1. Edward Church, Roswell Hubbard and Persons incorpo-
rated.
Hiram Ferry, their associates and successors, are
hereby made a corporation, by the name of "the
Northampton Sugar Beet Company," for the pur-
pose of the culture of the sugar beet and the manu-
facture of sugar therefrom, and the refining of the
same, and also the culture of oleaginous plants, and

the manufacture of oil therefrom, in the town of Northampton, in the county of Hampshire; and for the aforesaid purposes shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of seventy-five thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred thousand dollars.

[Approved by the Governor, March 10, 1837.]

CHAP. LXIX.

An Act to incorporate the Indian Orchard Canal Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Persons incorporated.

SEC. 1. Charles Stearns, George Bliss and William Dwight, their associates and successors, are hereby made a corporation, by the name of the Indian Orchard Canal Company, for the purpose of creating water power, and manufacturing machinery in the town of Springfield, in the county of Hampden; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SEC. 2. Said corporation may hold for the pur-

poses aforesaid, real estate to the amount of one ^{Estate.} hundred thousand dollars, and the whole capital stock of said company shall not exceed in amount two hundred thousand dollars.

[Approved by the Governor, March 10, 1837.]

CHAP. LXX.

An Act in addition to "An Act to incorporate the Boston Wharf Company."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The Boston Wharf Company may, in addition to ^{Persons incorpo-} the flats described in the act to which this is in ad- ^{rated.} dition, purchase and hold other parcels of flats and land not exceeding in value the sum of fifty thousand dollars, and not included within the limits described in the act aforesaid, for the purpose of obtaining therefrom, and for no other purpose whatever, the materials for filling and completing said wharf: *provided*, that nothing in this act shall in any way infringe or interfere with the rights of the Commonwealth, in any flats in the harbor of Boston, or with the legal rights of any other person or corporation.

[Approved by the Governor, March 15, 1837.]

CHAP. LXXI.

An Act in addition to "An Act to incorporate the Franklin Hemp and Flax Manufacturing Company."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name changed.

SEC. 1. The Franklin Hemp and Flax Manufacturing Company, shall hereafter be known by the name of the Franklin Bagging Company.

Estate.

SEC. 2. The said corporation may hold twenty thousand dollars in real estate, and eighty thousand dollars in personal estate in addition to their present authorized capital.

[Approved by the Governor March 16, 1837.]

CHAP. LXXII.

An Act for the encouragement of the Manufacture of Beet Sugar.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Allowance for
beet sugar.

SEC. 1. There shall be allowed and paid out of the treasury of this Commonwealth for every hundred pounds of good merchantable sugar manufac-

tured within this State, from beets raised within this State, the sum of three dollars, and in the same proportion for a larger or smaller quantity, to be paid to the manufacturer of such sugar, or his legal representative.

SEC. 2. When satisfactory evidence by the oath of the party claiming the bounty, or otherwise, shall be exhibited to the mayor and aldermen of any city, or the selectmen of any town in this Commonwealth, that any person being an inhabitant of such city or town is entitled to receive the bounty provided for in the first section of this act, they shall give a certificate thereof in writing under their hands, stating the quantity of sugar manufactured conformably to the provisions of said section, and that such claimant is entitled to the bounty therein allowed, and when such certificate shall be filed in the office of the secretary of the Commonwealth, the Governor is hereby authorized to draw his warrant on the treasurer for the amount thereof.

Certificate to be given.

SEC. 3. If any person shall claim a bounty more than once for the same sugar, or obtain any bounty under this act through fraud or deception, such person shall forfeit to the use of the Commonwealth, a sum not exceeding one hundred dollars, in addition to the amount of bounty he may have so received, to be recovered by indictment in any court proper to try the same.

Forfeiture in case of fraud.

SEC. 4. The claimant for any bounty, under the preceding sections, shall furnish the Governor when required by him, with a detailed and authenticated statement of the method in which the beets have been cultivated, and the manner in which the sugar has been manufactured.

Statement to be furnished the Governor.

Act, how long to
operate.

SEC. 5. This act shall continue in force five years, from the first day of January next.

[Approved by the Governor, March 16, 1837.]

CHAP. LXXIII.

An Act to annex a part of Erving's Grant to the town of Orange.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Boundaries.

SEC. 1. All the easterly part of the territory called Erving's Grant, bounded and described as follows : beginning at the southwest corner of Orange, on the north side of Miller's river, thence north ten degrees east, four hundred and fifty rods, to the southeast corner of Warwick ; thence west one and a half degrees south, seven hundred and fifty-eight rods, on Warwick south line, to the southwest corner of said Warwick ; thence south six degrees west, three hundred and one rods, to Miller's river ; thence up said river on the north line of Wendell and New Salem, to the first mentioned corner, with all the inhabitants and estates thereon, is hereby set off and separated from the territory of said Erving's Grant, and annexed to the town of Orange, both in the county of Franklin.

Inhabitants liable
to pay taxes.

SEC. 2. Said inhabitants and estates so set off, shall be liable to pay all taxes that have been legally assessed on them by said district of Erving's Grant, in the same manner as if this act had not been passed.

SEC. 3. Said town of Orange shall be liable to pay over to the said district of Erving's Grant, all such sums of money as shall be levied and collected from the inhabitants set off as their portion of the State and county taxes, till a new valuation of polls and estates shall be taken and made.

Town of Orange
liable to pay taxes,
&c.

[Approved by the Governor, March 16, 1837.]

CHAP. LXXIV.

An Act in addition to "an Act to incorporate the Boston Gas Light Company."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The Boston Gas Light Company are hereby authorized to increase their capital stock, by an amount not exceeding two hundred and fifty thousand dollars, and to purchase and hold real estate in the county of Suffolk, as part and parcel of their capital, not exceeding one half of their whole capital stock.

Capital stock
increased.

SEC. 2. The Boston Gas Light Company, with the consent of the selectmen of any town adjoining the city of Boston, may extend their pipes and conductors into such town; and for that purpose shall have power and authority to open the ground in any part of the streets, lanes or highways of such town; and the said corporation, after opening the ground in any street, lane or highway, for the purpose afore-

Company may
extend their
pipes into other
towns.

said, shall be held to put the same again into repair, under penalty of being prosecuted for a nuisance.

[Approved by the Governor, March 16, 1837.]

CHAP. LXXV.

An Act to annex a part of New Salem to Orange.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Boundaries.

SEC. 1. All that part of New Salem and the territory called Little Grant, bounded and described as follows: beginning at the northeast corner of Wendell, thence south nine degrees west, one thousand and forty-six rods on the line between Wendell and New Salem, to a monument at the northwest corner of Jabez E. Whipple's farm; thence east nine degrees south, one thousand three hundred and thirty-four rods, to the southwest corner of Asa Farnsworth's lot, numbered ninety-four in the fourth division of lots in said New Salem; thence north on the west end of lots numbered ninety-four, ninety-five, ninety-six, ninety-seven and ninety-eight of said fourth division, to the southeast corner of territory called Little Grant; thence continuing north three hundred and twenty-five rods to Miller's river; thence down said river on the south line of Orange and Erving's Grant, to the first mentioned boundary, with all the inhabitants and estates thereon, is hereby set off and separated

from the said town of New Salem to the town of Orange, both in the county of Franklin.

SEC. 2. Said inhabitants and estates so set off, shall be liable to pay all taxes that have been legally assessed on them by the town of New Salem, in the same manner as if this act had not been passed.

Inhabitants liable to pay all taxes assessed against them.

SEC. 3. Said town of Orange shall be liable to pay over to the said town of New Salem, all such sums of money as shall be levied and collected from the inhabitants set off, as their portion of the State and county taxes, till a new valuation of polls and estates shall be taken and made.

Town of Orange liable to pay to New Salem such sums as may be collected from inhabitants set off.

SEC. 4. The said town of Orange shall be held-
 en to pay the expense of supporting all the poor, now chargeable to the town of New Salem, in such proportion as the valuation of that part of New Salem now set off to Orange, bears to the whole valuation of said New Salem, made in the year one thousand eight hundred and thirty-six.

Support of poor.

[Approved by the Governor, March 16, 1837.]

CHAP. LXXVI.

An Act to incorporate the Washington Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. Edward Clarke, Luke Harrington and Simon Dudley, their associates and successors, are hereby made a corporation, by the name of the

Persons incorporated.

Washington Manufacturing Company, for the purpose of manufacturing cotton and woollen goods and machinery in Sutton, in the county of Worcester; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and fourty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. Said company may hold for the purposes aforesaid, real estate to the amount of thirty thousand dollars, and the whole capital stock of said company shall not exceed the amount of one hundred thousand dollars.

[Approved by the Governor, March 16, 1837.]

CHAP. LXXVII.

An Act for changing the name of the New Church Society in Charlestown.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Name of New Church Society changed to that of Harvard Church in Charlestown.

From and after the passing of this act, the name of the "New Church Society in Charlestown" shall be changed, and the said society shall be known and called by the name of the Harvard Church in Charlestown, any thing in the act incorporating said society, to the contrary notwithstanding.

[Approved by the Governor, March 16, 1837.]

CHAP. LXXVIII.

An Act to increase the number of Justices of the Supreme Judicial Court.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The number of Justices of the Supreme Judicial Court shall be five instead of four, as now provided by law.

Number of justices of S. J. C. increased to five.

[Approved by the Governor, March 16, 1837.]

CHAP. LXXIX.

An act to incorporate the Etna Furnace Company.

BE *it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Jacob Richardson, Albert Richardson, Micah Ketcham and their associates and successors, are hereby made a manufacturing corporation, by the name of the Etna Furnace Company, for the purpose of manufacturing, in the town of Cambridge, county of Middlesex, iron castings and such goods, merchandize or other articles, the component stock of which will be wholly or in part cast iron ; and for

Persons incorporated.

this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred and fifty thousand dollars.

[Approved by the Governor, March 16, 1837.]

CHAP. LXXX.

An Act to annex a part of New Salem to Athol.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Annexation of
part of New Sa-
lem to the town
of Athol.

Boundaries.

SEC. 1. All that part of New Salem described and bounded as follows: beginning at a stone monument at the southeast corner of Little Grant; thence south on the west end of lots, in the fourth division of lots in said town of New Salem, numbered ninety-eight, ninety-seven, and so on, to the south-west corner of Maltier Crossman's lot numbered seventy-nine, six hundred and thirty rods; thence south thirty-two degrees east, six hundred and eight rods, to a monument at the southwest corner of Joseph Waites' wood lot, on the line of Petersham; thence on the line of Petersham north, fifty-four degrees east, four hundred and thirty-four rods, to a stone monument at the southeast corner of Athol; thence

on the line between Athol and New Salem, to the first mentioned monument, with all the inhabitants and estates thereon, is hereby set off and separated from said New Salem, in the county of Franklin, and annexed to the town of Athol, in the county of Worcester.

SEC. 2. Said inhabitants and estates so set off, shall be liable to pay all taxes that have been legally assessed on them by the town of New Salem, in the same manner as if this act had not been passed. Inhabitants liable to pay taxes.

SEC. 3. Said town of Athol shall be liable to pay over to the said town of New Salem, all such sums of money as shall be levied and collected from the inhabitants set off as their portion of the State and county taxes, till a new valuation of polls and estates shall be taken and made. Liability of the town of Athol.

SEC. 4. The said town of Athol shall be holden to pay the expense of supporting all the poor now chargeable to the town of New Salem, in such proportion as the valuation of that part of New Salem now set off to Athol, bears to the whole valuation of said New Salem, made in the year one thousand eight hundred and thirty-six: *provided, however,* that the said town of New Salem shall forever be liable to support Benoni Twitchell and family, who have heretofore been paupers, belonging to the territory now set off from New Salem and annexed to Athol. Support of poor.

[Approved by the Governor, March 16, 1837.]

CHAP. LXXXI.

An Act to incorporate the Wadsworth Woollen Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Hiram Wadsworth, Henry Holbrook and Otis Prince, their associates and successors, are hereby made a manufacturing corporation, by the name of the Wadsworth Woollen Company, for the purpose of manufacturing woollen goods in the town of Barre, in the county of Worcester ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of one hundred thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred thousand dollars.

[Approved by the Governor, March 16, 1837.]

CHAP. LXXXII.

An Act to incorporate the Millbury Locomotive
Engine Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Asa Waters, Abraham G. Randall and Simon Farnsworth, their associates and successors, are hereby made a manufacturing corporation, by the name of the Millbury Locomotive Engine Company, for the purpose of manufacturing rail-road locomotive steam-engines and other machinery, in the town of Millbury, in the county of Worcester; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of forty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars.

Estate.

[Approved by the Governor, March 17, 1837.]

CHAP. LXXXIII.

An Act to establish the dividing line between the towns of Westfield and Southwick.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Boundaries.

SEC. 1. The dividing line between the towns of Westfield and Southwick, in the county of Hampden, shall be a straight line from an established monument on the East Mountain, so called, being the southeast corner, to an established monument on the West Mountain, so called, being the southwest corner of the said town of Westfield.

Jurisdiction.

SEC. 2. The territory and jurisdiction, according to the line so established, are hereby confirmed to the towns of Westfield and Southwick respectively.

[Approved by the Governor, March 20, 1837.]

CHAP. LXXXIV.

An Act to aid the construction of the Norwich and Worcester Rail-road.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The treasurer of this Commonwealth is hereby authorized and directed to issue scrip or certificates of debt, in the name and behalf of the Commonwealth, under the hand of the said treasurer, and the seal of the Commonwealth, for the sum of four hundred thousand dollars, bearing an interest of five per cent. per annum, payable semi-annually, at the office of the said treasurer, and redeemable at the same place, at the expiration of twenty years from the first day of July next, which scrip or certificates shall be deemed to be a pledge of the faith and credit of the Commonwealth for the redemption thereof. And the said treasurer shall deliver said scrip or certificates of debt to the treasurer of the Norwich and Worcester Rail-road Company, for the purpose of enabling the said company to complete that part of their road which lies within this Commonwealth, at such times, and under such conditions, as are hereinafter provided.

Treasurer authorized to issue scrip.

SEC. 2. When said company shall have expended, or received for the purpose of being expended in the construction of their rail-road, the sum of two hundred and fifty thousand dollars, the treasurer of the Commonwealth shall deliver to the treasurer

Scrip to be delivered to treasurer of said company on certain conditions.

of said company, scrip or certificates issued as aforesaid, to the amount of one hundred thousand dollars; and when they shall have expended, or received for the purpose of being expended as aforesaid, the sum of five hundred thousand dollars, in addition to the amount of the scrip which they shall have received from this Commonwealth, the treasurer of the Commonwealth shall deliver to the treasurer of the said company, scrip or certificates issued as aforesaid, to the further amount of one hundred thousand dollars. And when the said company shall have graded the whole of their said road, the treasurer of the Commonwealth shall deliver to the treasurer of said company the remainder of the said scrip or certificates for said sum of four hundred thousand dollars: *provided*, that before any such scrip or certificates shall be delivered to the treasurer of said company as aforesaid, the said company shall furnish evidence satisfactory to the Governor that said payments have been made as aforesaid.

Act, when to
take effect.

SEC. 3. This act shall not take effect until said company, at a meeting of the stockholders duly notified for that purpose, shall have assented to all the provisions thereof, and shall have executed to the Commonwealth a bond, in such form as the attorney-general shall prescribe, conditioned that said company shall indemnify and save harmless the Commonwealth from all liability on account of said scrip or certificates, and shall pay the interest thereon punctually as the same shall fall due, at the office of the treasurer of this Commonwealth, until the principal sum or sums thereof shall be paid by said company, and shall pay at the office of said treasurer of the Commonwealth the principal sum or sums aforesaid, one year before the same shall be-

come redeemable by the Commonwealth ; and shall also convey by a suitable instrument, to be prepared for that purpose under the direction of the attorney-general, their entire road and its income, and all the franchise to them belonging, as a pledge or mortgage to secure the performance of all the conditions of said bond ; and shall also transfer to this Commonwealth four thousand shares of the capital stock of said company, to be held by the treasurer of the Commonwealth, as further security for the performance of the condition of the said bond, and to be sold by the said treasurer, at the pleasure of the General Court, upon the failure of the said company to pay the interest of the said scrip or certificates of debt, or the principal thereof as aforesaid.

[Approved by the Governor, March 20, 1837.]

CHAP. LXXXV.

An Act concerning the deposite of the Surplus Revenue.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The first two instalments of all monies received by the Treasurer and Receiver General of this Commonwealth, from the Secretary of the Treasury of the United States, for deposite with this Commonwealth, in pursuance of the act of Congress, entitled “an act to regulate the deposites of

First two instalments shall be deposited with the several towns in proportion to their respective population.

the public money," approved on the twenty-third day of June, in the year eighteen hundred and thirty-six, excepting the sum of two thousand five hundred dollars, to be appropriated as hereinafter provided, shall, from time to time, as soon as may be after receiving the same, be deposited with such of the several towns of this Commonwealth, in proportion to their respective population, as ascertained by the last general census, as shall agree to receive the same, and duly authorize their treasurer or their agent appointed by them to receive the same; and the two last instalments of said monies shall, as soon as may be after receiving the same, be deposited with the towns aforesaid, in proportion to their respective population, to be ascertained as hereinafter provided.

Census to be
taken in May
next.

SEC. 2. A census of the population of the several towns in this Commonwealth, shall in the month of May next, be taken in such manner as the governor, with the advice and consent of the council may direct, and returned as soon as may be, into the office of the secretary of the Commonwealth; and such persons as shall be appointed by the mayor and aldermen of each city for that purpose, and the assessors of the several towns, who shall be sworn to the faithful discharge of the duty, shall take said census, and make returns as is herein provided. A copy of said return shall be deposited in the office of the clerk of each town; and the inmates of the state prison, of the several hospitals, jails and houses of correction, and the students in colleges, academies and high schools, not belonging to the towns in which said colleges, academies or high schools are located, and all state paupers, shall not be numbered in the census of said towns.

SEC. 3. The treasurer and receiver-general of the Commonwealth shall deliver their respective proportional deposits of said monies to the treasurers, or other duly authorized agents of said towns, on receiving certificates of deposit therefor, in such form as he may prescribe, signed by such treasurer or agent, and binding said towns in their corporate capacity for the repayment of the money deposited, or any and every part thereof, from time to time, whenever the same shall be required by the said treasurer and receiver-general, to be by him refunded to the secretary of the treasury of the United States.

Treasurer of Commonwealth to deliver proportional deposits on receiving certificates.

SEC. 4. The several towns aforesaid shall apply the money so deposited with them, or the interest upon the same, to those public objects of expenditure for which they may now lawfully raise and appropriate money, and to no other purpose.

Application of the money so deposited.

SEC. 5. Where any new town has been constituted by a division of any town or towns, or where any town has been enlarged or diminished, by annexing to or taking therefrom any portion of territory since the last general census, any town so constituted or altered, shall receive the first half of their proportional deposite, agreeably to said census; but where the proportion of any such towns cannot be determined by reference to said census, if said towns shall mutually agree upon the proportion of their deposite which each town so agreeing shall receive, then such town shall receive such agreed proportion on the terms of this act; but if such towns shall not so agree, their respective proportions of the deposite which would accrue to them jointly under the last census, shall be determined by a new census of such towns, to be taken as soon as may be,

In case any town has been altered or enlarged.

by some suitable person, appointed for that purpose by the treasurer and receiver-general of the Commonwealth, on application of either of said towns to him.

Repayment of
said monies.

SEC. 6. If payment of said monies shall be demanded of the said treasurer and receiver-general by the secretary of the treasury of the United States, agreeably to the act of Congress before named, then said treasurer shall, as soon as may be, give notice to each town in the Commonwealth of the amount of its proportional share of deposite to be repaid, which amount each town shall, within thirty days after said notice, repay to said treasurer and receiver-general; and on failure of any town to repay said amount within said thirty days, said treasurer and receiver-general is hereby authorized and required to issue an execution for the amount due from said town, returnable within sixty days, against the goods or estates of the inhabitants of said town, and directed to the sheriff of the county in which said town is situated; and it shall be the duty of the sheriff to serve and make return of such execution to the treasurer and receiver-general of the Commonwealth, according to the directions therein given.

Loans by treasurer of Commonwealth.

SEC. 7. Two thousand five hundred dollars of said monies shall be reserved and loaned by the treasurer and receiver-general of the Commonwealth, and the income therefrom paid annually, in the month of March, as follows, to wit: to the treasurer of the district of Marshpee, the income of one thousand dollars; to the guardian of the Chappaquiddick and Christiantown indians, the income of one thousand two hundred dollars. One half of said income for the benefit of said Christiantown and Chappaquiddick indians, and the other half for the

benefit of the indians at Gay Head; and to the treasurer of the Herring Pond indians, the income of three hundred dollars—all of said income to be appropriated to the purposes of common school education in said places, and no other distribution shall be made to said indians from said monies.

SEC. 8. This act shall take effect from and after its passage.

[Approved by the Governor, March 21, 1837.]

CHAP. LXXXVI.

An Act concerning the Assessment of Taxes.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

All machinery employed in any branch of manufactures belonging to any person or persons shall be assessed in the city, town or other place, where such machinery may be situated or employed.

Machinery to be
assessed where
it is employed.

[Approved by the Governor, March 21, 1837.]

CHAP. LXXXVII.

An Act to increase the Capital Stock of the Tremont Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Increase of stock
by additional
shares.

The proprietors of the Tremont Mills, are hereby authorized to increase their capital stock by the addition of such number of additional shares, not exceeding two hundred, of one thousand dollars each, as the said corporation may require for the convenient management of their business.

[Approved by the Governor, March 21, 1837.]

CHAP. LXXXVIII.

An Act to increase the Capital Stock of the Suffolk Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Increase of stock
by additional
shares.

The Suffolk Manufacturing Company are hereby authorized to increase their capital stock by the creation of such number of shares, not exceeding two hundred, of one thousand dollars each, as the said

corporation may require for the convenient management of their business.

[Approved by the Governor, March 21, 1837.]

CHAP. LXXXIX.

An Act in addition to An Act relating to certain Courts in the County of Middlesex.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. The act to which this act is in addition Conditions of the act. which act is hereby revived, shall be void and of no effect, unless the city of Lowell, on or before the first day of April next, shall pay to the county commissioners, for the time being of the county of Middlesex, the sum of ten thousand dollars, to be applied and expended by them towards the erection of a jail in said Lowell, with suitable appurtenances, for the safe keeping of prisoners ; and shall, also, on or before said day, finish the court room, and other accommodations now begun at said Lowell, and in part finished, for the use of the courts named in said act, according to the plan and style in which the same are now begun ; and shall, also, on or before said day, by a good and sufficient lease or other conveyance, duly executed and delivered to said county commissioners, secure and confirm said court room and other accommodations to the county of Middlesex, to be permanently used for the purposes of said act.

Term of S. J. C.
to be holden at
Lowell, in case,
&c.

SEC. 2. In case the city of Lowell shall fulfil the foregoing conditions, the term of the supreme judicial court, now by law to be holden at Concord, within and for said county, on the second Tuesday of April annually, shall, on the second Tuesday of April, in the year eighteen hundred thirty-seven, and annually thereafter be holden at said Lowell; and the term of the court of common pleas, now by law to be holden at Concord, within and for said county, shall on the second Monday of September next and annually thereafter, be holden at said Lowell. And the sheriff of said county shall give seasonable and proper notice thereof in all the newspapers published in said county.

County commis-
sioners to pur-
chase land and
erect a jail.

SEC. 3. It shall be the duty of the county commissioners for the time being, of said county, to receive the aforesaid payment, and thereupon to proceed and purchase a lot of land in said Lowell, and to erect a jail on the same, with all necessary appurtenances and conveniencies for the safe keeping of prisoners. And if the aforesaid sum shall be insufficient to defray the expense of said land and jail, the residue of said expense shall be defrayed by the county of Middlesex.

Acts inconsistent
herewith repeal-
ed.

SEC. 4. All parts of the act to which this act is in addition, which are inconsistent with the provisions of this act, are hereby repealed.

[Approved by the Governor, March 24, 1837.]

CHAP. XC.

An Act to incorporate the Wrentham Carpet Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Whiting Grant, George Sharp and Charles Perkins, their associates and successors, are hereby made a manufacturing corporation, by the name of the Wrentham Carpet Company, for the purpose of manufacturing carpets in the town of Wrentham, in the county of Norfolk ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of fifteen thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of twenty-five thousand dollars.

Estate.

[Approved by the Governor, March 25, 1837.]

CHAP. XCI.

An Act to incorporate the Lowell Gas Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Kirk Boott, Robert Means and John Aiken, their associates and successors, are hereby made a corporation, by the name of the Lowell Gas Company, for the purpose of manufacturing and selling gas in the city of Lowell, in the county of Middlesex, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. Said corporation may hold for the purposes aforesaid, real estate not exceeding one hundred thousand dollars, and the whole capital stock of said corporation shall not exceed three hundred thousand dollars.

Act void in case,
&c.

SEC. 3. If the said corporation shall not within three years from the passage of this act, have erected their works, and be prepared to manufacture gas for the use of the citizens of Lowell, this act shall be void.

Corporation may
dig up or open
streets.

SEC. 4. Said corporation may, with the assent in writing of the mayor and aldermen of the city of Lowell, dig up and open any street or way within said city, for the purpose of placing such pipes as may be necessary for the conveyance and distribu-

tion of the gas, or for the repairs or extension of the same.

[Approved by the Governor, March 25, 1837.]

CHAP. XCII.

An Act to incorporate the Fish Wear Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. John Kenrick, Isaac Linnell, Josiah Linnell, their associates and successors, are hereby made a corporation, by the name of the Fish Wear Company, for the purpose of constructing a fish wear in the waters at Nanwicoit Point, (so called) in the southeasterly part of the town of Orleans, in the county of Barnstable, for the purpose of taking fish ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities contained in the forty-fourth chapter of the Revised Statutes.

Persons incorporated.

SEC. 2. Said wear shall not extend farther into the water than to the depth of four feet at low water.

Extension of Wear.

SEC. 3. If any person shall take any fish from said wear, without the permission of said corporation, he shall forfeit to said corporation a sum not exceeding five dollars, if the quantity so taken be less than one hundred pounds ; but if the quantity taken be more than one hundred pounds, the person so of-

Forfeiture for taking fish without permission.

fending shall forfeit five dollars for every hundred pounds of fish so taken, to be recovered in any court proper to try the same.

Restriction.

SEC. 4. If any person shall take by seine any fish within twenty rods of the location of said wear, he shall forfeit a sum not exceeding six dollars for each offence, for the use of said corporation, to be recovered as aforesaid.

[Approved by the Governor, March 25, 1837.]

CHAP. XCIII.

An Act to establish the Hope Oyster Company, in Nantucket.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorporated.

SEC. 1. Micah Swain, Thomas Coffin, Reuben Joy, Jr. their associates and successors, are hereby made a corporation, by the name of the Hope Oyster Company, for the purpose of planting, propagating and digging oysters, in Hummock Pond, Salt Pond and Heither Creek, in the island of Nantucket; and for that purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Corporation to have exclusive use of ponds and creeks.

SEC. 2. The said corporation shall have the exclusive use of the ponds and creeks aforesaid, for the purpose of planting, propagating and digging

oysters, for the term of twenty years; and if any person shall dig for, in said ponds and creeks, or take therefrom any oysters during the term aforesaid, without leave of said corporation, he shall forfeit and pay a fine not exceeding five dollars, for each offence, to the use of the complainant, to be recovered in any court proper to try the same.

SEC. 3. Said corporation may hold personal Personal property. property to an amount not exceeding five thousand dollars.

[Approved by the Governor, March 25, 1837.]

CHAP. XCIV.

An Act in addition to an Act establishing the Charlestown Branch Rail-road Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The time limited in the third section of the act incorporating the Charlestown Branch Rail-road Company, for filing with the county commissioners the location of their rail-road, shall be so extended as to authorize said company to file the same on or before the first day of January, in the year one thousand eight hundred and thirty-nine; and the time for the completion of said rail-road shall be extended to the first day of January, in the year one thousand eight hundred and forty. Extension of time.

SEC. 2. The said corporation shall not be required to build the draw or piers mentioned in the Corporation shall construct a draw.

second section of said act ; but in lieu thereof, shall construct and maintain in their said rail-road, in the bay northwesterly of the State prison a draw, the centre of which shall not be more than six hundred feet nor less than four hundred feet northwesterly of the Prison Point bridge ; also suitable piers for the accommodation of vessels and boats, to be approved by the governor and council, and by the superintendent or agent of the Middlesex canal. And the said Charlestown branch rail-road company shall be subject to the same duties and liabilities, concerning the draw and piers herein required to be built, as are prescribed in the second section of said former act, concerning the draw and piers therein mentioned.

[Approved by the Governor, March 25, 1837.]

CHAP. XCV.

An Act in addition to "An Act to incorporate the Proprietors of the Middlesex Bridge."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Extension of time
for building and
completing
bridge.

The time for building and completing their bridge by said proprietors of the Middlesex Bridge, is hereby extended for the term of three years from the first day of May next, any thing in the act to which this is in addition to the contrary notwithstanding.

[Approved by the Governor, March 25, 1837.]

CHAP. XCVI.

An Act in addition to an Act to incorporate the Fall River Mill-road, Rail-road and Ferry Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. The doings of the first meeting of the Fall River Mill-road, Rail-road and Ferry Company, holden on the first Monday in May, one thousand eight hundred and thirty-five, are hereby confirmed.

Confirmation of the doings of the company.

SEC. 2. The tenth section of the act to which this is in addition, shall be so construed as to give to the owner of land or other property, taken by said corporations in virtue of the provisions of their act of incorporation, all reasonable damages, to be estimated according to the provisions of that part of the thirty-ninth chapter of the Revised Statutes, which relates to rail-road corporations.

Tenth section of act to which this is in addition, how construed.

[Approved by the Governor, March 25, 1837.]

CHAP. XCVII.

An Act, to increase the salaries of the Judge and Register of Probate for the county of Nantucket.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Judge of Probate to receive \$200 per annum, and Register of Probate §300.

From and after the passing of this act, the Judge of Probate for the county of Nantucket shall receive for his services an annual salary of two hundred dollars ; and the Register of Probate for the said county shall receive for his services an annual salary of three hundred dollars, payable as provided in the fifty-first section of the eighty-third chapter of the Revised Statutes—any thing in the forty-ninth section of said chapter to the contrary notwithstanding.

[Approved by the Governor, March 28, 1837.]

CHAP. XCVIII.

An Act to establish Probate Courts in the town of Provincetown.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Probate court, when holden.

SEC. 1. There shall be a probate court holden at Provincetown, in the county of Barnstable, on

Friday next after the third Monday of April, and on Friday next after the last Monday of October, in each year.

SEC. 2. The judge of probate for said county shall receive, in addition to his present salary, fifty dollars yearly, to be paid in manner provided for in the eighty-third chapter, fifty-first section of the Revised Statutes. Increase of judge's salary.

SEC. 3. This act shall take effect from and after the day of its approval by the governor. Act when to take effect.

[Approved by the Governor, March 28, 1837.]

CHAP. XCIX.

An Act in addition to "An Act further regulating the storage, safe keeping, and transportation of Gunpowder in the city Boston."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Any person, who shall keep, have or possess any gunpowder within the city of Boston, contrary to the provisions of the act to which this act is in addition, or to the rules and regulations of the board of engineers therein mentioned, or who shall sell any gunpowder in said city, without having a license therefor, or contrary to such license, or the rules and regulations aforesaid, shall forfeit a sum not less than one hundred dollars, and not exceeding five hundred dollars, for each offence ; and if any Forfeiture for keeping or selling gunpowder contrary to law, &c.

Forfeiture in
case of explosion.

gunpowder, kept contrary to the provisions of the act aforesaid, or to such license, or to the rules and regulations aforesaid, shall explode in any building, or on board of any ship or other vessel, or in any place in said city, the occupant, tenant or owner of which has not then a license to keep and sell gunpowder therein, such occupant, tenant or owner shall forfeit a sum not less than one hundred dollars, and not exceeding one thousand dollars for each offence.

To whose use
fines and forfeit-
ures to enure.

SEC. 2. The several fines, penalties and forfeitures, mentioned in this act, and in the act to which this is in addition, shall enure to the sole use of the board of engineers of the fire department of said city of Boston : *provided, however*, that whenever on the trial of any prosecution under the said acts, any one or more of the said engineers shall be sworn and examined as a witness on behalf of the prosecution, a record thereof shall be made in court, and in such case, the fine, penalty, or forfeiture shall enure to the use of the poor of the city of Boston, to be paid over to the overseers of the poor thereof.

Sections of form-
er act repealed.

SEC. 3. The fourth and eleventh sections of the act to which this act is in addition, are hereby repealed.

[Approved by the Governor, March 28, 1837.]

CHAP. C.

An Act to repeal "An Act to repeal the Charter of the State Bank."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

An Act entitled "An Act to repeal the charter of the State Bank," passed on the sixteenth day of April, in the year one thousand eight hundred and thirty-six, is hereby repealed; and this act shall take effect from and after its passage. Act repealed.

[Approved by the Governor, March 29, 1837.]

CHAP. CI.

An Act to incorporate the Newburyport and Newbury Mechanic Association.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Benjamin Gunnison, John S. Dodge and Joseph Couch, and their associates, are hereby made a corporation, by the name of the "Newburyport and Newbury Mechanic Association," for the purpose of promoting moral and mental culture; with all the powers and privileges, and subject to Persons incorporated.

all the duties, liabilities and restrictions, contained in the forty-fourth chapter of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real and personal estate to the amount of ten thousand dollars.

[Approved by the Governor, March 29, 1837.]

CHAP. CII.

An Act establishing a dividing line between the towns of Phillipston and Royalston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Dividing line.

SEC. 1. The following described line is established as the true dividing line between the towns of Phillipston and Royalston, to wit: beginning at a stone monument which is the corner of Royalston and Phillipston, and is three hundred and sixty-six rods west, two degrees south from the southeast corner of Royalston, and in the course of the dividing line between Royalston and Templeton; thence running west ten degrees north, one hundred and ninety-eight rods, to the stone monument at the corner of Phillipston and Royalston on Miller's river.

Treasurer to pay over money.

SEC. 2. The treasurer of the town of Royalston shall pay over to the treasurer of the town of Phillipston on demand, all money that shall, from time to time, be assessed in any state or county tax on the polls and estates of the persons hereby set off

from the town of Phillipston, and annexed to the town of Royalston, until the next valuation of estates shall be taken by authority of the state.

[Approved by the Governor, March 29, 1837.]

CHAP. CIII.

An Act to incorporate the Green River Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Lorenzo Kellogg, Sidney Tullar and Henry D. Chapman, their associates and successors, are hereby made a manufacturing corporation, by the name of the Green River Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in the town of Great Barrington, in the county of Berkshire ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of twenty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of forty thousand dollars.

Estate.

[Approved by the Governor, March 29, 1837.]

CHAP. CIV.

An Act to establish an Institution for Savings in Chelsea.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

Simeon Butterfield, John Low and Henry W. Fenno, their associates and successors, are hereby made a corporation, by the name of the Chelsea Institution for Savings, to be established in the town of Chelsea, in the county of Suffolk, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the thirty-sixth chapter of the Revised Statutes.

[Approved by the Governor, March 29, 1837.]

CHAP. CV.

An Act to repeal "An Act to repeal the Charter of the People's Bank."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Act repealed.

An Act entitled "An Act to repeal the charter of the People's Bank," passed on the sixteenth day of

April, in the year one thousand eight hundred and thirty-six, is hereby repealed; and this act shall take effect from and after its passing.

[Approved by the Governor, March 29, 1837.]

CHAP. CVI.

An Act to authorize the South Parish in Sutton to sell certain Real Estate.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. The South Parish in Sutton are hereby authorized to sell and convey the real estate devised to them for purposes of education, by the late John Cole, deceased.

Authorized to sell estate.

SEC. 2. The proceeds of said sale shall be permanently invested, by a committee of the parish for that purpose, at a legal meeting chosen; and the income thereof, only, shall be, annually, appropriated to schools, in conformity with the directions of the last will and testament of said deceased.

Proceeds, how invested.

[Approved by the Governor, March 29, 1837.]

CHAP. CVII.

An Act to incorporate the Berkshire Silk Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Isaac Hodges, Nathan Putnam, Elihu S. Hawkes and their associates and successors, are hereby made a corporation, by the name of the Berkshire Silk Company, for the purpose of producing and manufacturing silk in the town of Adams, in the county of Berkshire ; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of twenty thousand dollars, and the whole capital stock of said corporation shall not exceed fifty thousand dollars.

[Approved by the Governor, March 29, 1837.]

CHAP. CVIII.

An Act to extend the time of paying in the capital stock of the Farmers and Mechanics Bank, located in the South Village in Adams.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The time for paying in the capital stock of the Farmers and Mechanics Bank, located in the South Village in Adams, is hereby extended six months. Time extended.

SEC. 2. This act shall take effect from and after its passage. When to take effect.

[Approved by the Governor, April 1, 1837.]

CHAP. CIX.

An Act in addition to an Act concerning the Deposit of the Surplus Revenue.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The Treasurer and Receiver General is hereby required to apportion among all the towns of the Commonwealth, upon the rule of apportionment Apportionment of revenue.

provided in the act to which this is in addition, such portion of the surplus revenue of the United States already received, or to be hereafter received by this Commonwealth, as by said act is to be deposited with the several towns in the Commonwealth, any thing in said act to the contrary notwithstanding; and the governor, as soon as any apportionment is made, as is herein provided, is hereby authorized to draw his warrant for the payment to each town in the Commonwealth their respective shares of such apportionment.

Shares not accepted to remain in the treasury.

SEC. 2. Should any town, for the space of six months from and after the passage of this act, neglect to signify to the treasurer of the Commonwealth their acceptance of their respective portions of said surplus revenue, or to comply with the terms of said act, the shares of such towns shall remain in the treasury of the Commonwealth, subject to the future disposition of the Legislature.

Directions respecting repayment.

SEC. 3. The treasurer and receiver-general shall forthwith furnish all the towns with such directions and blank forms, as he may deem necessary for the purpose of binding the towns respectively for the re-payment of the money so deposited with them.

When to take effect.

SEC. 4. This act shall take effect from and after its passage.

[Approved by the Governor, April 1, 1837.]

CHAP. CX.

An Act to incorporate the Proprietors of the Rochester Academy.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Charles J. Holmes, Joseph Haskell and George Bonney, their associates and successors, are hereby made a corporation, by the name of the "Proprietors of the Rochester Academy," to be established in the town of Rochester, in the county of Plymouth, with all the powers and privileges, and subject to all the restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, with power to hold real and personal estate to an amount not exceeding twenty thousand dollars, to be devoted exclusively to purposes of education.

Persons incorporated.

Estate.

[Approved by the Governor, April 5, 1837.]

CHAP. CXI.

An Act in relation to the Inspection of Nails.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Name to be
branded on cask.

SEC. 1. Every manufacturer of wrought or cut nails or brads, shall mark or brand, in plain legible letters, the initial of his christian name, and the whole of his sur-name ; or, if manufactured by a corporation or company, the name of such corporation, or style of said company, together with the nett weight (omitting the tare) of the contents of said cask on the head of the same.

Sections of former
act repealed.

SEC. 2. So much of the one hundred and sixty-third and one hundred and sixty-fourth sections of the twenty-eighth chapter of the Revised Statutes as is inconsistent with the provisions of this act, is hereby repealed.

[Approved by the Governor, April 5, 1837.]

CHAP. CXII.

An Act to establish the Cabot Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. John Chase, N. P. Ames, D. M. Bryant, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Cabot Bank, to be established at Cabotville, in the town of Springfield, in the county of Hampden, and shall so continue until the first day of October, in the year one thousand eight hundred and fifty-one; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-sixth chapter of the Revised Statutes.

Persons incorporated.

SEC. 2. The stock in said bank shall be transferable only at its banking-house, and in its books.

Transfer of stock.

SEC. 3. The capital stock of said corporation shall consist of two hundred thousand dollars, to be divided into shares of one hundred dollars each, and to be paid in such instalments, and at such times, as the stockholders may direct: *provided*, the whole be paid in on or before the first day of January next.

Capital stock.

[Approved by the Governor, April 5, 1837.]

CHAP. CXIII.

An Act in addition to an Act to establish the Andover and Wilmington Rail-road Corporation.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Authorized to
construct rail-
road.

SEC. 1. The Andover and Wilmington Rail-road Corporation are hereby authorized and empowered to construct and complete a rail-road from the bank of Merrimack river, in Bradford, thence through Haverhill to the line of the state of New Hampshire, on or near either of the routes following, to wit :
The first route begins at a point in their rail-road, as now located on the bank of Merrimack river, in Bradford, nearly opposite to "the sands," in Haverhill, and approaching the river by a curve of about nine hundred feet radius ; thence northerly, by a bridge across the river, about eight hundred feet ; thence, by a gentle curve to the left, about four hundred feet ; thence north, to the road opposite to Mrs. Plummer's barn ; thence, by a curve to the left of forty-five hundred feet radius, about twenty-one hundred feet, to a point on the easterly side of Hale's mill-pond ; thence crossing said pond, in a curve to the right of five thousand feet radius, about two thousand five hundred feet ; thence, by a curve to the left of four thousand feet radius, two thousand five hundred feet ; thence northwesterly, in a straight line, near the westerly bank of Little river, about twenty-eight hundred feet ; thence, by a curve to

First route.

the right of about four thousand feet radius, about seventeen hundred feet; thence northerly, in a straight line, nineteen hundred feet; thence, by a curve to the right of forty-five hundred feet radius, thirteen hundred feet; thence, in a straight line, nearly north, to the line of New Hampshire, about three hundred feet westerly of Clark's mill-pond.

The second route, leaving said rail-road, as now Second route. located, about eleven hundred feet easterly of the first mentioned point, and passing to the river in a curve of about seven hundred feet radius; thence, by a bridge, to the north bank of Merrimack river, just below the mouth of Little river; thence, by a curve to the left of thirteen hundred feet radius, one thousand feet; thence northwesterly, one thousand feet; thence, by a curve to the right of five thousand feet radius, to the point before mentioned on the easterly side of Hale's mill-pond; thence, by a route before described, to a point twelve hundred feet southerly of Eastman's bridge; thence, by a curve to the right of forty-one hundred feet radius, thirty-one hundred and fifty feet; thence northeasterly, in a straight line, to the line of the state of New Hampshire, a little northerly of Col. Clement's house.

The third route continues easterly on the Brad- Third route. ford bank of Merrimack river, and approaches the river at the Haverhill bridge by a curve of eight hundred feet radius; thence across the river, on the westerly side of Haverhill bridge; thence, by a gentle curve to the left, four hundred feet; thence northwesterly, to a point in the road, opposite the Haverhill academy, about eight hundred feet; thence, by a gentle curve to the right, one thousand feet; thence northerly, thirty-three hundred feet; thence by a curve to the right of forty-five hundred feet

radius, one thousand feet ; thence nearly north, forty-six hundred feet ; thence, by a curve to the right of five thousand feet radius, eight hundred feet ; thence northeasterly, twenty-four hundred feet, to the line of the state of New Hampshire near Whitaker's house.

Powers and privileges.

SEC. 2. Said rail-road corporation, in relation to this as well as to all other parts of their road, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes which relates to rail-road corporations.

Increase of capital stock.

SEC. 3. For the purpose of constructing said road, said corporation are hereby authorized and empowered, by a vote of the stockholders at a meeting specially notified for that purpose, to increase their capital stock, by the creation of an additional number of shares, to be assessed the same amount as the shares which are already created by their acts of incorporation : *provided*, that the additional number of shares shall not exceed one thousand.

Act void in case, &c.

SEC. 4. If the location of the road hereby granted shall not be filed with the county commissioners for the county of Essex, previous to the first day of February, in the year eighteen hundred and thirty-nine, or if said corporation shall fail to complete said rail-road by the first day of December, in the year one thousand eight hundred and forty-one, in either case so much of this act as regards the road hereby granted shall be void.

Other companies allowed to enter with their roads.

SEC. 5. Any rail-road company, which is or may be incorporated, may be authorized to enter with their rail-road at any point of the road hereby

granted, paying for the right to use the same or any part thereof, such a rate of toll as the Legislature may prescribe, and complying with such rules and regulations as may be established by this corporation, by virtue of the fourth section of the first act to which this is in addition.

SEC. 6. The Andover and Wilmington Rail-road Corporation shall, from and after the passing of this act, be known and called by the name of the Andover and Haverhill Rail-road Corporation. Change of name.

SEC. 7. This act shall take effect from and after its passage. When to take effect.

[Approved by the Governor, April 5, 1837.]

CHAP. CXIV.

An Act to incorporate the Proprietors of the East Bridgewater Academy.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Aaron Hobart, Welcome Young and Wallace Rust, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the East Bridgewater Academy, to be established in the town of East Bridgewater, in the county of Plymouth ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes ; with power to hold real and personal es- Persons incorporated.
Estate.

tate not exceeding ten thousand dollars, to be devoted exclusively to purposes of education.

[Approved by the Governor, April 5, 1837.]

CHAP. CXV.

An Act relating to the alteration of a part of the location of the Eighth Massachusetts Turnpike.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Committee appointed to alter location of road.

SEC. 1. William Bliss, and Harvey Chapin of Springfield, and Theodore Strong of Southampton, are hereby appointed a committee upon the petition of the Eighth Massachusetts Turnpike Corporation, for liberty to alter the location of their road from a convenient point on said road, near the foot of Dickerson's Hill in Russell, thence on a line a little westerly of the present location to a point on said road, at or near the hill next easterly of Andrew Mallery's house in said Russell. And said committee are hereby authorized and required to view said proposed alteration, and if by them deemed expedient, to lay out the same, and assess all damages occasioned to individuals or corporations by such location, said damages, together with the expenses and compensation of said committee, to be paid by said turnpike corporation: *provided, however,* that before proceeding to view or make said alteration, said committee shall give due notice to all parties

interested, of the time and place at which they will meet for the purposes aforesaid, that they may appear before said committee, and be fully heard thereon.

SEC. 2. Should said committee, after a full hearing of all parties in interest, make said proposed alteration in said road, they shall make report of their doings, with their location of said alteration, to the county commissioners for the county of Hampden, at their meeting to be held next after such location shall have been made ; and if said commissioners, after a full hearing of all parties who may wish to be heard thereon, shall accept said report, they shall make a record of said location, and thereupon said road, as located by said committee, shall become a part of said Eighth Massachusetts Turnpike, under the same restrictions, liabilities and privileges as said turnpike is now subject: *provided, however,* that any person or corporation shall, on application to said county commissioners, be entitled to a jury for the reassessment of damages occasioned by said location, in the same manner as is now provided in case of roads laid out and established by county commissioners.

Report of doings,
&c.

[Approved by the Governor, April 7, 1837.]

CHAP. CXVI.

An Act to incorporate the Proprietors of the Unitarian Meeting-house, in the town of Greenfield.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Jerome Ripley, Ambrose Ames and Thaddeus Colman, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Unitarian Meeting-house, in Greenfield, in the county of Franklin ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, which relates to the proprietors of churches and meeting-houses.

Estate.

SEC. 2. The said corporation may hold real and personal estate to the amount of ten thousand dollars : *provided*, the same is exclusively appropriated to parochial purposes.

[Approved by the Governor, April 7, 1837.]

CHAP. CXVII.

An Act to incorporate the Proprietors of the Protestant Episcopal Church in Andover.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Abraham Marland, Benjamin H. Punchard and John Derby, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Protestant Episcopal Church in Andover, with all the powers and privileges, and subject to the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the twentieth chapter of said statutes which relates to the proprietors of churches or meeting-houses; with power to hold real and personal estate to an amount including their buildings and land, under and appurtenant to the same, not exceeding in value the sum of twenty thousand dollars: *provided*, the income thereof be appropriated exclusively to parochial purposes.

Persons incorporated.

Estate.

[Approved by the Governor, April 7, 1837.]

CHAP. CXVIII.

An Act to incorporate the North Falmouth Fishing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Ebenezer Nye, Prince Nye and Benjamin Nye, their associates and successors, are hereby made a corporation, by the name of the North Falmouth Fishing Company, in North Falmouth, and are empowered to regulate the brook running from Nye's pond, so called, to Cautomot harbor in said Falmouth, so far as is necessary for the purpose of an alewife fishery; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Forfeiture for
taking alewives
without leave.

SEC. 2. If any person, without the permission of the corporation, shall take, catch, or haul on shore, any alewives in said brook, or within one eighth of a mile in any direction from the mouth of said brook, he shall forfeit and pay for the use of said corporation a sum not exceeding two dollars, if the quantity so taken be less than one barrel; but if the quantity taken be more than one barrel, the person so offending shall forfeit and pay for each barrel of fish so taken, five dollars, to be recovered in any court proper to try the same.

Damages.

SEC. 3. If any damage shall be done by said corporation to the property of any individual not a

member of the corporation, such individual shall be entitled to reasonable damage, to be estimated in the same manner as damages occasioned by the laying out of highways.

[Approved by the Governor, April 7, 1837.]

CHAP. CXIX.

An Act to incorporate the Bemis Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Seth Bemis, Thomas Cordis and Thomas Frederic Cordis, their associates and successors, are hereby made a manufacturing corporation, by the name of the Bemis Company, for the purpose of manufacturing cotton and woollen goods, and grinding dye-woods, in the towns of Watertown and Newton, in the county of Middlesex; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

SEC. 2. The said company may hold for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said company shall not exceed the amount of one hundred and fifty thousand dollars.

Estate.

[Approved by the Governor, April 7, 1837.]

CHAP. CXX.

An Act to incorporate the Valley Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorpo-
rated.

SEC. 1. Moses Smith, I. S. Smith and Jesse Bliss, their associates and successors, are hereby made a corporation, by the name of the Valley Mills, for the purposes of manufacturing paper and books, and carrying on the business thereof, in the town of Hardwick, in the county of Worcester ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purpose aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred thousand dollars.

[Approved by the Governor, April 7, 1837.]

CHAP. CXXI.

An Act to incorporate the Wessacumcon Steam Mills.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Richard S. Spofford, Samuel T. D. Persons incorporated. Ford and John Chickering, their associates and successors, are hereby made a corporation, by the name of the Wessacumcon Steam Mills, for the purpose of manufacturing cotton cloths in the town of Newburyport, in the county of Essex ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SEC. 2. The said corporation may hold for the Estate. purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred thousand dollars.

[Approved by the Governor, April 7, 1837.]

CHAP. CXXII.

An Act to incorporate the West Sutton Literary Institute.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Charles H. Peabody, Samuel Waters and G. A. Tourtellot, their associates and successors, are hereby made a corporation, by the name of the West Sutton Literary Institute, for the purpose of promoting moral and mental culture, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real and personal estate to the amount of twenty thousand dollars.

[Approved by the Governor, April 7, 1837.]

CHAP. CXXIII.

An Act to authorize the Second Parish in West Newbury, to sell their Parsonage Lands, and for other purposes.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The Second Parish in West Newbury, in the county of Essex, are hereby authorized to empower their treasurer to sell, by auction, their parsonage lands, situate in said West Newbury, consisting of about nine acres of pasture land, and from twelve to fifteen acres of wood land, and to make and execute a deed or deeds to the purchaser or purchasers thereof. Lands may be sold by auction.

SEC. 2. The proceeds of such sale shall, within two years from the passage of this act, be vested in such real estate as they may think proper for a parsonage ; and the said parish are hereby authorized to empower their treasurer to receive a deed or deeds of such real estate, in the name of said parish ; and the real estate so purchased shall be held by the same tenure, and for the same purposes, as the lands hereby authorized to be sold are now held. Proceeds to be invested in real estate.

SEC. 3. This act shall take effect from and after its passage. When to take effect.

[Approved by the Governor, April 7, 1837.]

CHAP. CXXIV.

An Act to incorporate the Proprietors of the Evangelical Congregational Meeting-house in Grafton.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Albert Stone, Philip King and Joseph Adams, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Evangelical Congregational Meeting-house in Grafton, in the county of Worcester ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in the twentieth chapter of the said Statutes, so far as the provisions of said chapter relate to the proprietors of meeting-houses.

Estate.

SEC. 2. The said corporation may have power to hold real and personal estate to an amount not exceeding ten thousand dollars : *provided*, the same be appropriated exclusively to parochial purposes.

[Approved by the Governor, April 7, 1837.]

CHAP. CXXV.

An Act concerning the powers and duties of the Congregational Precinct in Rochester, Middleborough and Freetown.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Congregational precinct in Rochester, Middleborough and Freetown, may take and hold any property which may hereafter come into the possession of said precinct by taxation or otherwise, and may manage the same in the same manner as other parishes in this Commonwealth are by law authorized to do: *provided, however,* that this act shall not affect the property already in the hands of the trustees of said precinct, according to the provisions of the forty-first chapter of the Statutes of the year one thousand eight hundred and twenty-five.

Precinct may hold property.

[Approved by the Governor, April 7, 1837.]

CHAP. CXXVI.

An Act to incorporate the Minot Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Marshal S. Jones, Leonard Woods and Alvin Smith, their associates and successors, are hereby made a corporation, by the name of the Minot Manufacturing Company, for the purpose of manufacturing woollen goods in the town of Enfield, in the county of Hampshire ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of fifteen thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of seventy-five thousand dollars.

[Approved by the Governor, April 7, 1837.]

CHAP. CXXVII.

An Act to incorporate the Westfield White Lead Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Sewall Dewey, William Dewey and Russell Shepard, their associates and successors, are hereby made a corporation, by the name of the "Westfield White Lead Company," for the purpose of manufacturing white lead in the town of Russell, in the county of Hampden ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of twenty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of fifty thousand dollars.

Estate.

[Approved by the Governor, April 12, 1837.]

CHAP. CXXVIII.

An Act to provide for taking a Census of Ratable Polls.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Census to be taken in May next.

SEC. 1. A census of the ratable polls in the several cities and towns in this Commonwealth on the first day of May next, and on the first day of May in every tenth year thereafter, shall be taken and returned into the secretary's office, in the said month of May, in the manner hereinafter prescribed.

Censors or assessors to take census.

SEC. 2. The said census shall be taken in the several cities by censors appointed by the mayor and aldermen thereof respectively; and in the several towns by the assessors thereof respectively. And such censors or assessors shall be sworn to take a true census of ratable polls, according to the provisions of the twelfth article of the amendments of the constitution, and of the seventh and fifteenth chapters of the Revised Statutes. And said censors or assessors shall make out in words at length a return of the result of the said census, and shall sign the said return, and make oath that the same is true according to their best knowledge and belief; and a certificate of the said oath, under the hand of the magistrate administering the same, shall be annexed to the said return. And the said censors or assessors shall deliver the said return to the sheriff of the county, on or before the twentieth day of the May

in which said census is taken, who shall transmit the same to the office of the secretary of the Commonwealth, on or before the last day of said month of May. Or the said censors or assessors shall themselves transmit the said return to the secretary's office, on or before the day last aforesaid.

SEC. 3. Any censor or assessor, who shall wilfully refuse or neglect to perform any duty imposed on him by this act, shall be liable to a penalty not exceeding five hundred dollars. And any sheriff, who shall wilfully refuse or neglect to perform the duty imposed on him by this act, shall be liable to a penalty not exceeding one thousand dollars. And any censor or assessor, who shall be guilty of wilful deceit or falsehood in the discharge of any duties enjoined by this act, shall be liable to a penalty not exceeding two thousand dollars, or to imprisonment for a term not exceeding one year.

Penalty for neglect or refusal to perform duty.

SEC. 4. As soon as may be after the passing of this act, the secretary shall transmit a printed copy of the same to the clerks of the several cities and towns respectively, together with a printed copy of the said article of amendment, and a printed form of return, and shall annex to said form a notification that all returns must be made into his office on or before the last day of May next, and shall transmit a like form of return every tenth year thereafter.

Secretary to transmit copy of act to clerks of towns.

SEC. 5. This act shall take effect on the fourteenth day after the approval of the same.

When to take effect.

[Approved by the Governor, April 12, 1837.]

CHAP. CXXIX.

An Act in further addition to "An Act concerning the deposite of the Surplus Revenue."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Treasurer to retain money where towns disagree.

SEC. 1. If, where any towns have been altered or constituted, as contemplated in the fifth section of the act to which this is in addition, either of such towns shall disagree with the other as to the portion of said revenue due to each, then the treasurer and receiver-general shall retain and loan from the two first instalments of said revenue the portion of such towns, subject to a division thereto by the next Legislature, any thing in said act to the contrary notwithstanding.

Census.

SEC. 2. The census of population, which is required to be taken by the act to which this is in addition, shall be taken as it shall exist on the first day of May next.

When this act to take effect.

SEC. 3. This act shall be in full force from and after its passage.

[Approved by the Governor, April 12, 1837.]

CHAP. CXXX.

An Act to incorporate the Proprietors of the New Bedford Rural Cemetery.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. John Perkins, Isaiah Burgess and Gideon Allen, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the New Bedford Rural Cemetery; and said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes. Persons incorporated.

SEC. 2. The said corporation may take a deed of gift or purchase in fee simple of a certain lot of land, situate in Dartmouth, near the dividing line between said Dartmouth and New Bedford, in the county of Bristol, and may hold the same; and may also take and hold as aforesaid any other lands adjacent thereto, in fee simple, not exceeding fifty acres in addition to said lot, for the purpose hereinafter provided; and may also hold any personal estate, not exceeding in value ten thousand dollars, to be applied to the purposes connected with, and appropriate to, the object of said establishment. Deed of gift.

SEC. 3. The said corporation shall take and hold the land aforesaid as and for a rural cemetery or burying-ground, and for the erection of tombs, cenotaphs, or other monuments, for or in memory of the May hold land for a cemetery.

dead ; and for this purpose may lay out the same in suitable lots or other sub-divisions, for family or other burying-places, and plant and embellish the same with shrubbery, flowers, trees, walks and other rural ornaments, and enclose and divide the same with proper walls and enclosures, and may make and annex thereto other suitable appendages, as the corporation shall from time to time deem expedient : and the said real estate shall be forever held by said corporation for such purposes, and for no other ; and said corporation may grant and convey, to any person or persons, the sole and exclusive right of burial, and of erecting tombs, cenotaphs, or other monuments in any such designated lots and sub-divisions ; and any right so granted and conveyed shall be held for the purposes aforesaid, and for none other, as real estate, by the proprietor or proprietors thereof.

Part of act relating to M. Auburn Cem. applicable to this.

SEC. 4. All the provisions contained in the seventh, eighth and ninth sections of the act of March thirty-first, in the year one thousand eight hundred and thirty-five, to incorporate the proprietors of the cemetery of Mount Auburn, in the county of Middlesex, shall apply to and have effect as to the New Bedford rural cemetery in the county of Bristol.

[Approved by the Governor, April 12, 1837.]

CHAP. CXXXI.

An Act to establish the City Institution for Savings
in Lowell.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Aaron Mansur, Jonathan Tyler and Amos Spaulding, their associates and successors, are hereby made a corporation, by the name of the City Institution for Savings to be established in the city of Lowell, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in that part of the thirty-sixth chapter of the Revised Statutes which relates to savings banks.

Persons incorporated.

SEC. 2. This act shall take effect from and after the first day of July next.

Act when to operate.

[Approved by the Governor, April 12, 1837.]

CHAP. CXXXII.

An Act annulling for certain purposes the charter of the Hampshire Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Charter annulled.

SEC. 1. The charter of the President, Directors and Company of the Hampshire Bank, so far as respects the power of loaning monies and issuing bills, shall be, and upon the petition of said corporation, the same is hereby annulled, from and after the third Monday of April, in the year one thousand eight hundred and thirty-seven.

Bank Tax.

SEC. 2. The bank tax, which will become due from said bank in the month of April in the year one thousand eight hundred and thirty-seven, shall be paid to the treasurer of the Commonwealth, in the same manner as if this act had not been passed ; and thenceforward said bank shall be discharged from all obligations to pay any bank tax to the State.

Stockholders
liable.

SEC. 3. The holders of stock in said bank, shall be liable in their individual capacities for the payment and redemption of all bills, which may have been issued by said bank, and shall remain unpaid on the third Monday of April, in the year one thousand eight hundred and thirty-seven, in the same manner as if the period for which the charter was originally granted had expired.

SEC. 4. The said bank shall be continued a body corporate, for the term of three years, from the third Monday of April in the year one thousand eight hundred and thirty-seven, for the purpose of prosecuting and defending suits and of enabling said bank gradually to settle and close its concerns, dispose of and convey its property, and divide its capital stock.

Bank continued
body corporate.

SEC. 5. This act shall go into operation from and after the approval thereof.

Act when to take
effect.

[Approved by the Governor, April 12, 1837.]

CHAP. CXXXIII.

An Act to incorporate the Franklin Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Solomon Reed, Joseph Burton and Solomon Ammidon, Jr., their associates and successors, are hereby made a corporation, by the name of the Franklin Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in the town of Rowe, in the county of Franklin ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorpo-
rated.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of fifteen thousand dollars, and the whole capital stock

Estate.

of said corporation shall not exceed the amount of forty thousand dollars.

[Approved by the Governor, April 12, 1837.]

CHAP. CXXXIV.

An Act to authorize the Middleborough and Taunton Precinct to sell their lands.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May sell lands.

The Middleborough and Taunton Precinct is hereby authorized to sell, by public auction, and convey, (in such manner as said precinct shall think best,) any or all the parsonage lands belonging to said precinct, the proceeds thereof to be invested in such manner as the precinct shall direct, the annual income of such proceeds to be applied forever to the parochial purposes of said precinct.

[Approved by the Governor, April 12, 1837.]

CHAP. CXXXV.

An Act to further regulate the Fishery in Dennis.

BE *it enacted by the Sénate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The Committee, chosen by the inhabitants of the town of Dennis, at their annual meeting, to regulate the fishery in said town, shall, in addition to their duties now by law prescribed, appoint all such suitable persons as make application, being inhabitants of said Dennis, to catch alewives in said town, and fix the compensation to be paid therefor.

Committee to appoint persons to take fish.

SEC. 2. The inhabitants of said town, at their annual meeting, shall determine the quantity of said fish each family in said town shall receive, and establish the price they shall pay therefor.

Inhabitants to determine quantity, and fix price.

[Approved by the Governor, April 12, 1837.]

CHAP. CXXXVI.

An Act to authorize the Proprietors of South Reading Academy to sell and convey real estate.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Treasurer may
sell land at auc-
tion.

Lilley Eaton, treasurer of the proprietors of the land and building recently occupied and improved by the " Trustees of South Reading Academy," or his successor in said office, is hereby authorized to sell at public auction the said land and building, give valid deeds of conveyance, in behalf of the proprietors aforesaid, to the purchasers thereof, and divide the proceeds of such sales among the several proprietors of the property aforesaid, according to their respective interest therein.

[Approved by the Governor, April 12, 1837.]

CHAP. CXXXVII.

An Act in addition to an Act establishing the
Granite Bank in Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

That so much of the fourth section of the act passed March sixth, one thousand eight hundred and thirty-two, as locates the Granite Bank on Commercial street, as near the head of Exchange wharf, so called, as conveniently may be, be and the same is hereby so far repealed, that said bank may be located in any place in the city of Boston.

Part of act repealed.

[Approved by the Governor, April 12, 1837.]

CHAP. CXXXVIII.

An Act to incorporate the South Boston Steam
Mill Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Ebenezer Stevens, Josiah Dunham and James Reed, their associates and successors, are hereby made a manufacturing corporation, by the

Persons incorporated.

name of the South Boston Steam Mill Company, for the purpose of sawing and manufacturing mahogany and other kinds of wood, in South Boston, in the county of Suffolk; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purpose aforesaid, real estate to the amount of fifty thousand dollars, and personal estate to the amount of one hundred thousand dollars.

[Approved by the Governor, April 12, 1837.]

CHAP. CXXXIX.

An Act to incorporate the Verd Antique Marble Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorpo-
rated.

SEC. 1. Thomas Pratt, Joshua Hewes and James C. Nichols, their associates and successors, are hereby made a corporation, by the name of the Verd Antique Marble Company, for the purpose of quarrying and manufacturing marble in the town of Lynnfield, in the county of Essex; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SEC. 2. The said corporation may hold for the ^{Estate.} purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred thousand dollars.

[Approved by the Governor, April 12, 1837.]

CHAP. CXL.

An Act to incorporate the Boston and Portsmouth Steam Boat Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Isaac W. Goodrich, Thomas Howes <sup>Persons incorpo-
rated.</sup> and John Welch, their associates and successors, are hereby made a corporation, by the name of the Boston and Portsmouth Steam Boat Company, for the purpose of running one or more steam boats, for the convenience of the public travel, and the transportation of merchandize, between Boston and Portsmouth and the intervening places ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SEC. 2. Said company may for the purposes ^{Estate.} above mentioned, purchase, hold and convey, real estate to the value of twenty-five thousand dollars, and personal estate, not exceeding the value of seventy-five thousand dollars.

Capital stock.

SEC. 3. The capital stock of said company shall be divided into shares of one hundred dollars each.

[Approved by the Governor, April 12, 1837.]

CHAP. CXL1.

An Act to establish the Terms of the Court of Probate in the County of Worcester.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Times and places
for holding court.

SEC. 1. A Court of Probate shall be held in the county of Worcester, at the following times and places in each year : at Worcester, on the first Tuesdays of every month ; at Brookfield, on the second Tuesdays of May and October ; at Lancaster, on the third Tuesdays in May and October ; at Fitchburg, on the Wednesdays next after the third Tuesdays in May and October ; at Templeton, on the Thursdays next after the third Tuesdays in May and October ; at Barre, on the Fridays next after the third Tuesdays in May and October ; at Mendon, on the fourth Tuesday in May ; at Uxbridge, on the fourth Tuesday in October. And so much of the fifty-fifth section of the eighty-third chapter of the Revised Statutes as relates to the holding of courts of probate in the county of Worcester, is hereby repealed.

Act when to take
effect.

SEC. 2. This act shall take effect from and after the first day of July next.

[Approved by the Governor, April 12, 1837.]

CHAP. CXLII.

An Act to incorporate the Boat Meadow River Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. Winslow L. Knowles, Joshua P. Atwood and Ira Mayo, their associates and successors, are hereby made a corporation, by the name of the Boat Meadow River Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorporated.

SEC. 2. Said corporation may purchase and hold in fee simple or otherwise, all or any part of the real estate, with the privileges and appurtenances thereto belonging, lying in Eastham in the county of Barnstable, bounded and described as follows, to wit : beginning at a stone by the north side of the road in John Doane's range near high water mark ; thence northwesterly thirty-three rods to a stake and stone ; thence northwest by west across said river to a stake and stone, five rods west of said river ; thence west over the sedge ground to a point, eighty rods to the westward of the sedge ground ; thence south by west forty rods ; thence easterly to the cart-way, on the south of said river ; thence easterly by the north side of said cart-way, to the entrance of the main road ; thence northerly to

Estate in East ham.

Boundaries.

the first mentioned bound ; and the said corporation may within the limits aforesaid, straighten, widen and deepen said river, and may erect a dam across the same, on the northerly part of the premises aforesaid, with a gate or gates and a sluice-way, and stop the water above the dam at high tide, and let it off at low tides ; and may build wharves, docks and stores, and receive dockage and wharfage, for vessels laid at their wharves and docks ; and make conveyances of their corporate property, lease, manage or improve the same as they shall deem expedient.

Division of capital stock into shares.

SEC. 3. Said corporation may divide their capital stock into any number of shares not exceeding two hundred, subject to assessment not exceeding fifty dollars in the whole on each share.

[Approved by the Governor, April 12, 1837.]

CHAP. CXLIII.

An Act in addition to an Act to incorporate the Berkshire Medical Institution.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Medical degrees.

SEC. 1. All medical degrees conferred upon the students in the Berkshire Medical Institution, may be conferred by the president, trustees and faculty, under the same rules and restrictions as are adopted and recognized in conferring degrees of the same nature by Harvard College.

SEC. 2. Any person who shall be graduated a doctor in medicine, in the Berkshire Medical Institution, shall be entitled to all the rights, privileges and immunities granted to the medical graduates of Harvard College. Privileges of graduates.

SEC. 3. There shall be a board of overseers of the said Berkshire Medical Institution, which shall consist of the trustees of the said institution, the president and secretaries of the Massachusetts Medical Society, the senators of the Commonwealth from the four western districts thereof, for the time being, ex-officio; and the following persons, and their successors, to be chosen as hereinafter provided, to wit: Edward A. Newton, Julius Rockwell and Robert Campbell of Pittsfield, Charles Sedgwick and George I. Tucker of Lenox, Henry L. Sabin of Williamstown, Asa G. Welch of Lee, James C. Alvord of Greenfield, Thomas Longley of Hawley, Solomon Reed of Rowe, Elisha Leffingwell of Montague, Joseph H. Flint and Elisha Mather of Northampton, Elisha Edwards of Southampton, Gardiner Dorrance of Amherst, George Ashmun of Springfield, and William G. Bates of Westfield; which board shall meet each year at the annual commencement of said institution, and at such other times, and upon such notice, as they may prescribe; and ten members of said board shall constitute a quorum. Board of overseers.

SEC. 4. The said board of overseers shall have the same power and authority in relation to said institution, as belong to the overseers of Harvard College in relation to the said college; and any vacancy that may occur therein, by the death or resignation of members not designated by their office, shall be filled at any legal meeting thereof, Power of said board.

by the board: *provided*, that in such election the trustees of said institution shall not be entitled to vote.

Act may be altered.

SEC. 5. The Legislature shall have the power, at any time, to alter or repeal this act.

Former act repealed.

SEC. 6. An act in addition to "an act regulating the practice of physic and surgery," approved by the governor on the twenty-first day of February, in the year one thousand eight hundred and twenty-four, is hereby repealed.

[Approved by the Governor, April 12, 1837.]

CHAP. CXLIV.

An Act to increase the Capital Stock of the Northampton Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Capital stock increased.

SEC. 1. The President, Directors and Company of the Northampton Bank, are hereby authorized to increase their present capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors of said bank may direct and determine: *provided*, that the whole amount shall be paid in on or before the first Monday of October next.

Tax.

SEC. 2. The additional stock aforesaid shall be subject to the like tax, regulations, restrictions and

provisions, to which the present capital stock of said corporation is now subject.

SEC. 3. Before said corporation shall proceed to Certificate. do business upon said additional capital, a certificate, signed by the president and directors, and attested by the cashier, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SEC. 4. This act shall take effect from and after When to take effect. its passage.

[Approved by the Governor, April 12, 1837.]

CHAP. CXLV.

An Act to incorporate the Goulding Patent Bale Rope Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Isaac Thayer, John Goulding, Daniel Perkins, their associates and successors, are hereby Persons incorporated. made a corporation, by the name of the Goulding Patent Bale Rope Manufacturing Company, for the purpose of manufacturing bale rope, in the towns of Roxbury and Brookline, in the county of Norfolk ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SEC. 2. The said corporation may hold for the

purpose aforesaid, real estate to the amount of fifteen thousand dollars, and the whole capital stock of said corporation shall not exceed fifty thousand dollars.

[Approved by the Governor, April 12, 1837.]

CHAP. CXLVI.

An Act relating to the Meetings of the County Commissioners in the County of Berkshire.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Time of holding
meetings.

SEC. 1. There shall be a meeting of the county commissioners in the county of Berkshire, at Lenox, on the first Tuesdays of April and September.

Repeal.

SEC. 2. So much of the sixth section of the eighty-fourth chapter of the Revised Statutes as relates to the county of Berkshire, is hereby repealed.

[Approved by the Governor, April 12, 1837.]

CHAP. CXLVII.

An Act authorizing School Districts to establish Libraries for the use of Common Schools.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Each legally constituted school district in this Commonwealth, is hereby authorized to raise money for the purpose of establishing and maintaining a common school library and apparatus for the use of the children therein, under such rules and regulations as said district may adopt: *provided*, that no greater sum than thirty dollars the first year, or ten dollars in any subsequent year, shall be expended for the purpose aforesaid.

Districts authorized to raise money for libraries, &c.

SEC. 2. Any sum of money, raised by virtue of this act at a meeting called for the purpose, shall be assessed, collected and paid over as other school district taxes are.

How assessed and collected.

[Approved by the Governor, April 12, 1837.]

CHAP. CXLVIII.

An Act concerning the rate of Toll on the Chester Turnpike.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Toll for wagons
drawn by one
horse.

The Chester Turnpike Corporation are hereby empowered to demand and receive six and one quarter cents, and no more, for wagons drawn by one horse, over their road, and through their gate.

[Approved by the Governor, April 12, 1837.]

CHAP. CXLIX.

An Act to incorporate the Norton Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorpo-
rated.

SEC. 1. Samuel Crocker, Charles Richmond and Albert Barrows, their associates and successors, are hereby made a manufacturing corporation, by the name of the Norton Manufacturing Company, for the purpose of manufacturing cotton goods, in the town of Norton, in the county of Bristol ; and for this purpose shall have all the powers and privi-

leges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SEC. 2. The said corporation may hold for the Estate. purpose aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred thousand dollars.

[Approved by the Governor, April 12, 1837.]

CHAP. CL.

An Act to incorporate the Conway Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. Asa Howland, George Rogers, Eliphaz Persons incorpo-
Morse, their associates and successors, are hereby rated. made a corporation, by the name of the Conway Mills, for the purpose of manufacturing cotton goods and machinery in the town of Conway, in the county of Franklin ; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SEC. 2. The said corporation may hold for the Estate. purposes aforesaid, real estate to the amount of twenty thousand dollars, and the whole capital stock of said corporation shall not exceed seventy thousand dollars.

[Approved by the Governor, April 12, 1837.]

CHAP. CLI.

An Act concerning County Commissioners.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Vacancy.

In case of any vacancy in the board of county commissioners of any county, occasioned by death, resignation or otherwise, one or both of the special commissioners shall be notified and act in the board, agreeably to the provisions of the twenty-sixth section of the fourteenth chapter of the Revised Statutes.

[Approved by the Governor, April 12, 1837.]

CHAP. CLII.

An Act in addition to "An Act to establish the Eastern Rail-road Company."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Company may
alter line.

SEC. 1. The Eastern Rail-road Company is hereby authorized to alter the line of said road, as described in the act to which this act is in addition, by striking out all that part of the description of

said line between a point situate southerly of "Castle Hill," so called, in Salem, to a point near the southerly bank of an arm of Bass river, in Beverly, and substituting therefor the following line, viz: Beginning at a point eight hundred feet from the easterly end of the line described in the act to which this is in addition, as running "north thirty-four degrees east about fifty-six hundred and eighty-nine feet to a point at or near Castle Hill, so called."

The new line is to be as follows: thence northeasterly about one thousand feet by a curve of twenty-eight hundred and sixty-five feet radius to the edge of the City Mill-Pond; thence north thirteen degrees east, about twenty-seven hundred and fifty feet to a point, fourteen feet from the southwesterly corner of the City Mill building, and bearing therefrom north eighty-seven degrees west; thence northerly about six hundred feet by a reversed curve of fourteen hundred and thirty-two feet radius to a point in Washington street, forty feet from the northeast corner of a house owned by Charles Lawrence, bearing therefrom north seventy-eight degrees east; thence north two degrees east, about twelve hundred feet through Washington and Court streets to point in Court street, thirty-nine feet from the northeast corner of house occupied by Loammi Coburn, and owned by city of Salem, bearing therefrom north seventy-two and a half degrees east; thence northeasterly about twelve hundred feet by a reversed curve of about one thousand and fourteen hundred and thirty-two feet radii, to a point on the flats of the right bank of North river; thence about north thirty degrees east, three thousand feet, running westerly of Bridge street; thence northeasterly by a curve of three thousand feet radius, about five

Boundary of new line.

Boundary of new
line.

hundred and fifty feet, to a point near the right bank of North river, opposite the town of Beverly; thence about north twenty-three degrees east, four thousand one hundred feet, crossing the North river westerly of Beverly bridge; thence northeasterly by a curve of fifty-seven hundred and thirty feet radius, about seventeen hundred feet, to a point in the line described in the act to which this is in addition, as running "north eight degrees east about eleven thousand two hundred and thirty-four feet to a point near the house of I. Sheldon," where the said last mentioned line intersects the southerly bank of an arm of Bass river. And said company are hereby authorized to construct their rail-road on or near the line so substituted: *provided, however*, that in making said alteration, the following conditions shall be observed by said company: Forrester street, in the city of Salem, shall not be lowered more than eighteen inches below its present grade or height. If, in the construction of the rail-road, it shall be found necessary to remove the city hay-scales, in Forrester street, said scales shall be re-built at the expense of the rail-road corporation, in a place and in a manner satisfactory to the city government. If, in the construction of the rail-road, the public cisterns shall be destroyed, new ones shall be built at the expense of said corporation, in the nearest convenient place or places, under the direction of the proper city authorities, and to the satisfaction of the city government; and if any drains or sewers shall be destroyed, other convenient drains or sewers shall be laid by said corporation. No part of Essex street shall be raised more than two feet and one half above its present grade, and no part of Norman street shall be lowered more than five feet; and all

Conditions to be
observed by the
company.

the streets which shall be dug up, excavated or altered in constructing said rail-road, shall be put into good order, and graded, fenced, guarded, and furnished with gates in the best and most convenient manner by said corporation, under the direction of the city government, and to their satisfaction. The openings in Court street shall not exceed four in number, eight feet in width, ten feet in length; they shall be surrounded by iron railings, to the satisfaction of the city government, and lamps shall be provided and always lighted at night, at each opening, at the expense of said corporation, under the direction of the proper city authorities, and to their satisfaction. If, as is now proposed, the south entrance of the tunnel shall be only five feet from the north end of Caleb Webster's shop, then a covering shall be provided for a distance of twenty-five feet, from that end of the tunnel in Washington street, and a covering shall be provided for said rail-road, for a distance of at least thirty feet from Essex street. The store belonging to John Daland, the Henfield house, the house of Jonathan Haradan, and the buildings called the Marston stores, shall be removed by said corporation, and all the lands under and adjoining, and belonging to said buildings, shall be kept open and unenclosed for the widening of Washington street, except such part thereof as shall be actually taken and used by said corporation for their road. The cuts at each end of the tunnel shall be secured by an iron railing or fence, to be erected by said corporation to the satisfaction of the city government. And said company is hereby authorized to lay out and construct their road through the city of Salem, of such width and in such manner as to enable them to comply with all the fore-

Conditions to be
observed by the
company.

May construct
road through
Salem, so as to
comply with
conditions.

going conditions. And said company shall not be required to construct a draw across Salem South river, but said corporation shall be required to construct a passage-way under their rail-road, in Salem South river, of at least eighteen feet in width, for the passing and repassing of rafts, boats and other craft. And said company are hereby required to file a location of the line of said road, between the South river in the city of Salem, and the New Hampshire line, within two years from the passage of this act.

Time extended.

SEC. 2. For the purpose of constructing said rail-road from the south river in the city of Salem to the town of Newburyport, an extension of time of five years from the first day of September, in the year one thousand eight hundred and forty, is hereby granted to said company : *provided, however*, that if a rail-road shall be constructed from Portsmouth in New Hampshire, to the boundary line between New Hampshire and this Commonwealth, so as to meet the line of the rail-road of said Eastern Railroad Company, the said company shall be required to construct their rail-road to the extent provided in the first section of the act to which this is in addition, within one year from the time when such road from Portsmouth shall have been constructed.

Proviso.

Subscription for shares.

SEC. 3. The president and directors of the said Eastern Rail-road Company, are hereby authorized to permit the East Boston Company, by its president, to subscribe for, purchase and hold such a number of shares as a majority of the directors of said East Boston Company, shall think prudent and expedient, in the capital stock of the said Eastern Railroad Company, and the said East Boston Company is hereby authorized to subscribe, purchase, pay for

and hold the same, whenever a majority, in interest, of the stockholders in the last named company shall consent thereto.

SEC. 4. So much of the act, to which this is in addition, as authorizes the said Eastern Rail-road Company, to locate a part of their road over the North River easterly of Beverly bridge, be and the same is hereby repealed. Part of act repealed.

SEC. 5. This act shall take effect from and after its passage. When to take effect.

[Approved by the Governor, April 12, 1837.]

CHAP. CLIII.

An Act in addition to "An Act to authorize the widening of Choate's Bridge over Ipswich River in the county of Essex."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The county commissioners for the county of Essex, in widening said bridge, shall have and exercise all the powers conferred upon county commissioners by the twenty-fourth chapter of the Revised Statutes, except that one half at least of the expense of making said widening, and such further sum, if any, as said commissioners for said county shall deem proper, shall be paid out of the treasury of said county, any thing in said act to which this is in addition to the contrary notwithstanding. Commissioners powers in widening bridge.

[Approved by the Governor, April 13, 1837.]

CHAP. CLIV.

An Act to establish the Granite Bridge Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SEC. 1. Edward Glover, Thomas Taylor and Lewis Pierce, their associates and successors, are hereby made a corporation, by the name of "The Proprietors of the Granite Bridge;" with all the powers and privileges, and subject to the liabilities, contained in the forty-fourth chapter of the Revised Statutes.

May construct a road.

SEC. 2. Said corporation is hereby authorized to locate, build and construct, or to cause to be built and constructed, a road, beginning at a point on the old county road at or near the store of I. Babcock, Jr. in the town of Milton, in the county of Norfolk; thence running north ten and three quarters degrees west, about two hundred and seventy-two rods; thence turning and running north nineteen degrees west, about fifty-six rods; thence turning and running north twenty-five and a half degrees west, about one hundred and twenty-eight rods, to the Neponset river; and to locate, build and construct a bridge across said river, in continuation of said last mentioned line of said road to Dorchester, in said county of Norfolk; and thence to continue said road running north eight and three quarters degrees west, about one hundred and eight rods to the lower road

May construct bridge.

in Dorchester, so called, on or near the land of Rev. Ephraim Randall: said bridge to be built and constructed with a good and sufficient draw, of thirty-one feet in width; said draw to be located by commissioners, to be appointed by the governor, with advice of council, at the expense of said corporation; and shall erect a wharf or pier near said draw, on each side of said bridge, for the accommodation of vessels passing through the same; said draw and said wharves to be planked upon the inside, from the top of low water to the top of said draw and wharves; said wharves to be at the southerly end of said bridge, and to extend seventy-five feet in length on each side of said draw in a straight line with the southerly side of said draw; and said bridge, together with the wharves and piers, shall be built of good and sufficient materials; the bridge not to be less than thirty feet in width.

Bridge to have a draw.

SEC. 3. That said corporation shall be held liable to keep said bridge and draw in good repair, and to raise the draw, and afford all necessary and proper accommodation to vessels having occasion to pass the same, by day or by night; and shall keep a sufficient light for vessels at said draw; and if any vessel shall be unreasonably delayed or hindered in passing said draw, by the negligence of said corporation or their agents in discharging the duties enjoined by this act, the owners or commanders of such vessels may receive reasonable damages therefor, of said corporation, in an action on the case, before any court proper to try the same; and on one side of said bridge there shall be an inside railing, five feet distant from the outside railing, for the safety of passengers.

Corporation to keep bridge in repair, &c.

SEC. 4. The said corporation may lay out their

Conditions in
laying out road.

road on the upland not less than three, and not more than four rods wide, and on the marsh not less than five, and not more than six rods wide, and may purchase or take land and gravel for the construction thereof, in the same way and manner as rail-road corporations are allowed to do, by the thirty-ninth chapter of the Revised Statutes; and said corporation shall be holden to pay for all damages to any and all real estate which shall be taken for the use of said road or bridge, which damages shall be estimated and assessed as is provided in the twenty-fourth chapter of the Revised Statutes, on highways.

May take toll.

SEC. 5. That for the purpose of reimbursing the said proprietors for the money expended and to be expended in building and supporting said road and bridge, a toll be and hereby is granted for the sole benefit of said proprietors, according to the rates following: for each person and horse, three cents; for each horse and cart, or wagon, four cents; for each team drawn by more than one beast, five cents; for each horse and chaise, or sulkey, six cents; for each horse and sleigh, four cents; for each coach, chariot, phaeton or curricule, ten cents; for each man and wheelbarrow, one cent; for each horse and neat cattle, exclusive of those in teams, or rode on, one cent: the said toll to commence from the time when said road and bridge shall be open for travel, and to be demanded only for passing over said bridge; and when said proprietors shall be reimbursed the money by them expended in and about the building said road and bridge, and other necessary expenses, with six per cent. annual interest thereon, which expenses shall not include the compensation of any officer of the corporation, except the treasurer, then the said

Rates of toll.

When bridge
shall revert to
Commonwealth.

bridge shall revert to and become the property of the Commonwealth, and shall be surrendered by said proprietors, in good repair, and the obligations herein imposed on said corporation shall then cease.

SEC. 6. The stock of said corporation, shall be Shares. divided into three hundred shares ; and no assessments shall be laid on said shares over and above the sum of fifty dollars on each share.

SEC. 7. It shall be the duty of said proprietors When to exhibit cost, &c. of bridge. as soon as said road and bridge are completed, to make to the Governor and Council an exhibit of the cost of the same, which shall not exceed the sum of fifteen thousand dollars ; and on the second Monday of January, annually, to exhibit as aforesaid, a statement of the profits accruing from the toll, stating particularly the amount of money received, and the amount expended ; the expenses in no case to exceed fifteen hundred dollars annually ; all said statements to be sworn to by the treasurer ; and if said corporation shall not, within three years from the passing of this act, locate, construct, build and complete said bridge, agreeably to the provisions of this act, then this act shall be null and void.

[Approved by the Governor, April 13, 1837.]

CHAP. CLV.

An Act to incorporate the Hopkinton Springs Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Henry Rice, J. W. Paige, William Hales, Eliphalet Williams and Michael Mellen, their associates and successors, are hereby made a corporation, by the name of the Hopkinton Springs Company, to provide suitable accommodations for persons resorting to the Springs in Hopkinton; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, contained in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. Said company may hold for the purposes aforesaid, real estate to the amount of forty-five thousand dollars, and the whole capital stock of said company shall not exceed sixty thousand dollars; *provided, however*, that no assessments shall be laid upon any share in said corporation of a greater amount in the whole than two hundred dollars.

Sale of ardent
spirits prohibited.

SEC. 3. Said company shall never permit the sale of any ardent spirits or other intoxicating drinks upon the real estate occupied by them for the purposes aforesaid.

[Approved by the Governor, April 13, 1837.]

CHAP. CLVI.

AN Act authorizing the County Commissioners for the county of Essex, to lay out a Road and construct a Bridge across Little River, in the town of Gloucester.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The county commissioners for the county of Essex are hereby empowered, if, in their opinion, the public necessity and convenience require it, to lay out a road or highway in the town of Gloucester, commencing near the gate on the way leading to the house of Zebulon Stanwood; thence passing through said Stanwood's land to Little River; thence across said river to Evelith's point, so called; thence passing through land belonging to the estate of William Preston, deceased, and others, to the main road, near the house of Peter R. Dennen; and provide for the construction of a bridge over said river: *provided, however*, that said county commissioners shall cause a sufficient draw to be made in said bridge for the passage of vessels through the same; *and provided further*, that in laying out and constructing said road and bridge, said commissioners shall, in all respects, proceed as is now provided by law for laying out and constructing county roads.

May lay out road.

Proviso.

[Approved by the Governor, April 13, 1837.]

CHAP. CLVII.

An Act relating to Police Courts.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Offenders may
be punished by
fine instead of
imprisonment.

Whenever any person shall be convicted, by a justice of the peace or police court, of any offence mentioned in the one hundred and forty-third chapter of the Revised Statutes, and which may be punished by imprisonment, he may instead thereof, at the discretion of the court, be punished by fine, not exceeding twenty dollars, either with or without a condition, that if the same be not paid within a time fixed by the court, with the costs of prosecution, he shall suffer any such imprisonment as is provided in said chapter; and such conditional sentence shall be carried into execution, according to the provision of the second and third sections of the one hundred and thirty-ninth chapter of the Revised Statutes.

[Approved by the Governor, April 13, 1837.]

CHAP. CLVIII.

An Act concerning the Inspection of Salt.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

So much of the twenty-eighth chapter of the Revised Statutes "of the inspection of provisions and other merchandize, and regulations respecting the sale thereof," as relates to the inspection of salt, is hereby repealed. Repeal.

[Approved by the Governor, April 13, 1837.]

CHAP. CLIX.

An Act to incorporate the Rock Harbor Fishing Company in Orleans.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Richard Sparrow, Ira Mayo and Timothy Smith, their associates and successors, are hereby made a corporation, by the name of the Rock Harbor Fishing Company in Orleans, in the county of Barnstable ; and are empowered to open the stream running from Tan Pond, (so called,) to the Persons incorporated.

mouth of Rock Harbor in said Orleans, so far as is necessary for the purpose of an alewife fishery, and to regulate the same; and also to erect a fish wear on the north side of Nanwicoit river in said Orleans, in Meeting-house pond, (so called,) where said river and pond adjoin the land of Isaac Doane, and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Forfeiture.

SEC. 2. If any person, without the permission of the corporation, shall take, catch or haul on shore any alewives in said Tan Pond or stream, he shall forfeit and pay for the use of said corporation, a sum not exceeding two dollars, if the quantity so taken be less than one barrel, but if the quantity taken be more than one barrel, the person so offending, shall forfeit and pay for each barrel of fish so taken, five dollars; or if any person shall take any fish from said wear, without permission of said corporation, he shall forfeit and pay a fine not exceeding five dollars if the quantity so taken be less than one hundred pounds, but if the quantity so taken exceed one hundred pounds, he shall forfeit and pay five dollars for every hundred pounds so taken; to be recovered in any court proper to try the same.

Damages.

SEC. 3. If any damage shall be done by said corporation to the property of any individual, not a member of said corporation, such individual shall be entitled to reasonable damage to be estimated in the same manner as damages happening in the laying out of highways.

Restrictions.

SEC. 4. If said corporation shall in the prosecution of their work cross any highway, they shall do it in such a manner as shall not unreasonably in-

commode the travel on said way, and shall leave said way in as good repair as it was before the alteration or crossing of the same.

SEC. 5. All persons who now are, or shall hereafter be owners of land adjoining said Tan Pond and stream running there-from to the mouth of Rock Harbor, may become members of said corporation, subject however to pay their proportional part of the expenses which shall have been incurred by said corporation, before the time of their admission.

Owners of land
may become
members.

[Approved by the Governor, April 13, 1837.]

CHAP. CLX.

An Act to incorporate the Cambridgeport Aqueduct Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. William Fisk, Aaron Rice and John Skinner, their associates and successors, are hereby made a corporation, by the name of the Cambridgeport Aqueduct Company, with all the powers and privileges, and subject to all the duties, liabilities and provisions, set forth in the forty-fourth chapter of the Revised Statutes.

Persons incorpo-
rated.

SEC. 2. The capital stock of said company shall consist of three hundred shares, and no assessments shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share.

Capital stock.

Powers and privileges respecting the laying of pipes, &c.

SEC. 3. The said corporation is hereby authorized and empowered to lay and maintain its pipes or aqueducts from the spring or springs of water in land formerly of Jonathan Ireland, at or near Prospect Hill, in Charlestown, through the town of Charlestown and into and through the town of Cambridge, in the county of Middlesex; also such pipes or aqueducts as the said corporation may deem needful for conveying and distributing said water in Charlestown and Cambridge aforesaid; and to this end may take and hold any lands necessary for laying such aqueducts, and may purchase and hold springs of water and reservoirs and erect such buildings, and establish and maintain such machinery, as may be necessary to carry into effect the objects of this act: and if the proprietors of lands, which said corporation may take for the purpose of laying pipes or conductors of water, do not agree with said company on the price to be paid therefor, any such proprietor may have the damages assessed in the manner provided in the one hundred and sixteenth chapter of the Revised Statutes; and the said corporation, in all cases where it does not acquire title to land for the purpose of laying and maintaining such pipes, or to a privilege or easement for that purpose, shall cause a certificate, describing the land so taken, to be signed by the president of said corporation, and recorded in the registry of deeds in said county of Middlesex.

May lay pipes under or over rail-roads, &c.

SEC. 4. The said corporation is hereby authorized and empowered to lay and maintain its pipes or aqueducts under or over any rail-road, canal, highway or street: *provided*, always, that the same be done in such manner as not to obstruct or impede the passing thereon. And the said corporation, in

laying its pipes or aqueducts, through the highways and streets of Charlestown and Cambridge aforesaid, and in repairing the same from time to time, shall not unnecessarily obstruct any highway or street, and in every case of the removal of any earth or pavement in any such highway or street, the said corporation shall cause the earth to be replaced, and the pavement to be laid anew, so that every such highway or street shall be in as good condition as the same was in before such removal.

In laying pipes, &c., not to obstruct, &c.

SEC. 5. The said pipes and aqueducts shall be so laid and constructed in said Charlestown and Cambridge, that water can be drawn therefrom for the extinguishment of fires, and to be used by persons thereto authorized by said respective towns, and free access shall be had thereto for that purpose; and for that purpose each of said towns may, at its own cost, place all proper and necessary fire-plugs and fixtures upon any pipes or aqueducts of said corporation, at as many different places in the several streets and highways as the selectmen of said towns respectively shall deem needful: *provided*, that the said fire-plugs and fixtures shall not be used for the purpose of drawing water from said pipes, for any other use than the extinguishment of fires; and shall be so constructed as to prevent the water in the pipes from running to waste; and the said corporation shall not demand or receive any compensation for water taken for the extinguishment of fires as aforesaid.

How constructed.

Proviso.

SEC. 6. If any person shall wilfully and maliciously defile, corrupt, or make impure, any spring or other source of water, or reservoir, used by said corporation as aforesaid, or destroy or injure any pipe, aqueduct, machinery, or other property of said

Forfeiture for corrupting water.

corporation, such person, and all who shall aid or abet in such trespass, shall forfeit to the use of said company, for every such offence, treble the amount of damages which shall appear on the trial to have been sustained thereby; and may further be punished by a fine not exceeding one thousand dollars, or may be imprisoned for a term not exceeding one year.

Sale of privilege.

SEC. 7. The said corporation is hereby empowered to sell the privilege of using the water which may be conducted as aforesaid, to any corporation or person, such contracts to continue for no longer term than three years: *provided*, that no compensation shall be taken for the use thereof for the extinguishment of fires as aforesaid; and the said corporation, or its directors, may make all reasonable rules and regulations, as to the manner and the times in which said water may be taken and used.

Corporation to keep records.

SEC. 8. The said corporation shall cause a true and faithful record of its proceedings, and just and accurate accounts to be kept, which record and accounts shall be subject at all times to the inspection of any committee appointed by the General Court; and all officers and agents of said corporation shall be liable to examination on oath by such committee.

[Approved by the Governor, April 13, 1837.]

CHAP. CLXI.

An Act to incorporate the Boston and New York
Coal Mining Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. Isaac F. Williams, Edwin Barnes and John Lilley, their associates and successors, are hereby made a corporation, by the name of the Boston and New York Coal Mining Company, for the purpose of digging for, raising and vending metals, coals and other minerals, and carrying on the different branches of the mining business, in the counties of Bristol, Norfolk and Suffolk ; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes. Persons incorporated.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of one hundred thousand dollars ; and the whole capital stock shall not exceed two hundred thousand dollars. Estate.

[Approved by the Governor, April 13, 1837.]

CHAP. CLXII.

An Act to incorporate the Berkshire Rail-road Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Robert F. Barnard, Wilbur Curtis and Increase Sumner, their associates and successors, are hereby made a corporation, by the name of the Berkshire Rail-road Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, relating to rail-road corporations.

Boundary line.

SEC. 2. The said company may construct a rail-road, commencing on the south line of this Commonwealth, in the town of Sheffield, near Ashley's mills; thence running northerly to a point near the junction of the Litchfield and Hartford turnpikes; thence northerly, near the road leading from said junction to the village of Sheffield, and passing said village, near the meeting-house, and continuing northerly, and running near the road leading from Sheffield to Great Barrington village, to a point near the meeting-house in said village; thence northerly, running near the road leading from said village to Van Deusenville, to a point near the chapel in said Van Deusenville; thence northerly, running near the road leading from Van Deusenville to Housa-

tonicville, to a point near the factory of the Housatonic manufacturing company; thence northerly, passing near the dwelling-house of Ebenezer Pope, in the town of West Stockbridge, to the valley of Williams river, in said West Stockbridge; thence northerly, through said valley, to a convenient point at or near the village of West Stockbridge, for its intersection with the West Stockbridge rail-road, or with the Western rail-road. Or said company, with the consent of the county commissioners of the county of Berkshire, may commence their rail-road at any point within said town of Sheffield, west of the southern terminus at Ashley's mills; thence running northerly in the most eligible route, to a point in the route above indicated, at or southerly of Great Barrington village.

SEC. 3. The capital stock of said corporation Capital stock. shall not exceed eight hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and said corporation may invest and hold such part thereof in real estate, as may be necessary and convenient for the purposes of their incorporation.

SEC. 4. The Western rail-road corporation may unite with said rail-road, by purchasing of said Berkshire rail-road corporation all that part of their road north of the point of union; paying to said Berkshire rail-road corporation the cost of the part so purchased, with interest at six per cent. from the time of payment thereof, by the stockholders, to the time of such purchase; reserving to said Berkshire rail-road corporation the right of using the same, by paying to the Western rail-road corporation such toll as by law may be prescribed.

The W. R. R. Corp. may unite by purchasing part of road.

SEC. 5. If the said corporation be not organized,

Act to become
void, unless, &c.

and the location of their road filed with the county commissioners of the county of Berkshire, on or before the first day of December, in the year one thousand eight hundred and forty, or if said road be not completed by the first day of December, in the year one thousand eight hundred and forty-three, this act shall be void.

May enter another
rail-road, by
paying, &c.

SEC. 6. The Commonwealth may authorize any company to enter with another rail-road, at any point of said Berkshire rail-road, paying for the right to use the same, or any part thereof, such a rate of toll as the Legislature may from time to time prescribe, and complying with such rules and regulations as may be established by the directors of said Berkshire rail-road.

Restrictions in
case of entering
any other rail-
road.

SEC. 7. If said corporation shall enter with their rail-road any other rail-road, such entry shall be by proper turn-outs or switches, so as not to incommode unreasonably the travel of the rail-road so entered; and said corporation shall pay all the expenses incident to and in consequence of any alterations that may be necessary, in order to effect such entry.

W. R. R. Corp.
may locate their
road, &c.

SEC. 8. If the Western rail-road corporation shall elect, previously to the construction of said Berkshire rail-road, to locate their rail-road over any part of the route described in the second section of this act, they shall have authority so to do.

May alter or re-
duce the rate of
tolls.

SEC. 9. The Legislature may, after the expiration of four years from the time when this rail-road shall be open for use, from time to time, alter or reduce the rate of tolls and other profits on said road.

[Approved by the Governor, April 13, 1837.]

CHAP. CLXIII.

An Act in addition to "An Act to establish the Hancock Free Bridge."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Whenever the said Hancock Free Bridge Corporation shall receive from the West Boston Bridge Corporation a legal transfer of their bridge and the franchise thereof, according to the provisions of the fifth section of said act establishing the Hancock Free Bridge, the same rates of toll may be taken on said bridge, by the said Hancock Free Bridge Corporation, as are now established by law, until the sum of eighty thousand dollars shall be realized from the proceeds of said tolls, with interest estimated semi-annually at the rate of five per cent. per annum, after reserving the expense of maintaining and taking care of said bridge, any thing in said act establishing the Hancock Free Bridge to the contrary notwithstanding : *provided*, Rates of toll to continue the same until, &c. the term for taking toll aforesaid by said corporation shall not exceed twelve years. Proviso.

SEC. 2. Whenever the said sum of eighty thousand dollars, with semi-annual interest thereon, shall have been received by said Hancock Free Bridge Corporation from said tolls, over and above the expense of maintenance and repairs aforesaid, said bridge with the franchise thereof, shall revert to and become the property of the Commonwealth. Bridge, when to revert to the Commonwealth.

Corporation to
make annual re-
ports of expendi-
tures, &c.

SEC. 3. Said Hancock Free Bridge Corporation shall make an annual report in the month of January, in each year, to the Governor and Council, of all receipts from tolls or other sources, and of all expenses incurred for repairs and taking care of said bridge, during the year next preceding; and shall further make a like report at any time when required by the Governor, by and with the advice of Council.

Authorized to
create shares.

SEC. 4. Said Hancock Free Bridge Corporation are hereby authorized to raise for the purpose of purchasing said bridge, the sum of eighty thousand dollars, by the creation of eight hundred shares, of one hundred dollars each.

[Approved by the Governor, April 14, 1837.]

CHAP. CLXIV.

An Act concerning Private Ways.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Commissioners
may lay out, &c.
in case selectmen
refuse.

When the location or alteration of a private way is desired in any town for the use of one or more persons not being inhabitants thereof, or when the location or alteration of any private way is desired, lying partly in one town and partly in another, the county commissioners of the county, or counties where the way is prayed for may cause such way to be located or altered, proceeding therein, as is pro-

vided by law, in case where the selectmen of any town refuse to lay out any private way.

[Approved by the Governor, April 14, 1837.]

CHAP. CLXV.

An Act relating to the Probate Courts in the County of Norfolk.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The fifty-fifth section of the eighty-third chapter of the Revised Statutes shall be so altered, that the Probate Court shall be hereafter held at Medway, in the county of Norfolk, on the third Monday of June in each year, instead of the Monday next before the third Tuesday in November annually, as is in said section provided.

Time and place
for holding
courts.

[Approved by the Governor, April 14, 1837.]

CHAP. CLXVI.

An Act to regulate the Weight of Fish.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Quintal, how to
be understood.

When Fish are sold by the quintal, it shall be understood to mean a quintal of one hundred pounds avoirdupois, and all contracts concerning fish sold in this manner shall be understood and construed accordingly.

[Approved by the Governor, April 14, 1837.]

CHAP. CLXVII.

An Act relating to the salary of the Secretary's second permanent Clerk.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Salary increas-
ed.

From and after the first day of April, in the year one thousand eight hundred and thirty-seven, the Secretary's second permanent clerk shall receive a salary of twelve hundred dollars a year, payable quarterly, instead of the sum of nine hundred dol-

lars, provided in the twenty-second section of the thirteenth chapter of the Revised Statutes.

[Approved by the Governor, April 15, 1837.]

CHAP. CLXVIII.

An Act relating to the salary of the Treasurer's second permanent Clerk.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

From and after the first day of April, in the year Salary increased. one thousand eight hundred and thirty-seven, the treasurer's second permanent clerk, shall receive a salary of twelve hundred dollars a year, payable quarterly, instead of the sum of nine hundred dollars, provided in the twenty-second section of the thirteenth chapter of the Revised Statutes.

[Approved by the Governor, April 15, 1837.]

CHAP. CLXIX.

An Act to incorporate the New-England Cordage Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorpo-
rated.

SEC. 1. John Webber, Josiah Dunham and Josiah Dunham Jr., their associates and successors, are hereby made a corporation, for the purpose of manufacturing cordage, in the town of Roxbury, in the county of Norfolk ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said company may hold for the purposes aforesaid, real estate to the amount of fifteen thousand dollars, and the whole capital stock of said company shall not exceed thirty thousand dollars.

[Approved by the Governor, April 15, 1837.]

CHAP. CLXX.

An Act for the preservation of the Grouse or Heath Hen.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. If any person shall, within the term of four years from the first day of May next, take, kill or destroy any of the birds called grouse or heath hens ; or shall, within the term aforesaid, sell or buy, or have in his possession, any of the said birds, killed or taken as aforesaid, he shall forfeit for every such grouse or heath hen, the sum of ten dollars, to be recovered by complaint before any justice of the peace.

Penalty for destroying, &c. grouse or heath hen.

SEC. 2. If any person shall kill any grouse or heath hen, within the term named in the preceding section, upon lands not owned or occupied by himself, and without license from the owner or occupant thereof, he shall forfeit and pay to the occupant or owner of such lands the sum of ten dollars, in addition to the actual damage sustained, to be recovered by such owner or occupant in an action of trespass.

Additional damages.

SEC. 3. The provisions of the preceding sections shall not extend to any town, in which the inhabitants shall, at their annual meeting in any year, vote to suspend the operation thereof, in whole or in part.

Towns may suspend the provisions of this act.

[Approved by the Governor, April 15, 1837.]

CHAP. CLXXI.

An Act relating to Guardians.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Extinguishment
of guardianship.

SEC. 1. When an unmarried woman who is a guardian, either alone or jointly with another person, shall marry, her husband shall not be a guardian in her right, but the marriage shall operate as an extinguishment of her authority as guardian; and the other guardian, if there be any, may proceed in discharging the trust, as if she were dead; and if there be no other guardian, the judge of probate may appoint one, or may make such other order in the premises as the case shall require.

Justice of the
peace may ap-
point guardians.

SEC. 2. Any minor, more than fourteen years of age, may signify his choice of a guardian before a justice of the peace, and such choice, being duly certified by said justice, shall have the same effect as if made in the presence of the judge of probate, any thing in the Revised Statutes to the contrary notwithstanding.

[Approved by the Governor, April 15, 1837.]

CHAP. CLXXII.

An Act making provision for the Payment of the Commonwealth's Subscription to the Stock of the Western Rail-road Corporation.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. The treasurer of this Commonwealth is hereby authorized and directed to issue a scrip or certificates of debt under his signature and the seal of the Commonwealth, to any amount not exceeding one million of dollars, bearing interest at the rate of five per centum per annum, payable semi-annually, which shall be disposed of as hereinafter provided ; and his excellency the governor shall countersign said scrip, pledging the faith of the Commonwealth to its redemption in twenty years from the date thereof.

Treasurer authorized to issue scrip.

SEC. 2. His excellency the governor, with the advice and consent of the council, may appoint one or more commissioners, who shall, with his consent, sell or cause to be sold the aforesaid scrip, or any part thereof, either by public auction or otherwise, at such times and in such places as he may deem expedient, and the exigences of the State require ; and the proceeds thereof shall be paid into the treasury as soon as may be, after sale as aforesaid.

Governor may appoint commissioners to sell scrip, &c.

SEC. 3. The funds arising from the sale of scrip as aforesaid, except so much thereof as is hereinafter provided for, shall be applied to the payment of any

Funds, how disposed of.

debts contracted by the Commonwealth, on account of its subscription to the capital stock of the Western rail-road corporation; and all future instalments of said subscription, which may become due conformably with the provisions of an act of the Legislature, entitled "an act in aid of the Western rail-road corporation," passed on the fourth day of April, in the year one thousand eight hundred and thirty-six.

The bonus or profit, how appropriated.

SEC. 4. The bonus or profit, if any, on the sales of the aforesaid scrip, together with all dividends of profits which may from time to time be declared on the rail-road stock, and one half of all money which may be received from the future sales of the Commonwealth lands, with the interest thereon accruing, shall, until otherwise ordered by the Legislature, constitute a sinking fund for the future purchase or final redemption of said scrip, and for the payment of interest on the state debt, contracted by authority of this act; and if the same shall at any time be insufficient to the payment of such interest, the deficiency shall be paid from any money in the treasury not otherwise appropriated.

Money raised for militia services, how applied.

SEC. 5. Any sum or sums of money which may hereafter be received from the general government, on account of this Commonwealth's claim upon the same for militia services, whether of principal or interest, shall also be applied, until otherwise ordered by the Legislature, to said sinking fund; and so much of the statutes of one thousand eight hundred and thirty, chapter one hundred and twenty-sixth, as is inconsistent with this section, is hereby repealed.

When to take effect.

SEC. 6. This act shall take effect from and after the approval thereof by the governor.

[Approved by the Governor, April 15, 1837.]

CHAP. CLXXIII.

An Act in addition to an Act to establish the Seekonk Branch Rail-road Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Seekonk Branch Rail-road Company shall Time extended. be allowed the further term of one year to file the location of their road, and also the further term of one year to complete the same. And in all cases where no return has been made to said company of such stocks as were subscribed before said first day of October, eighteen hundred and thirty-six, the president and directors, or a majority of them may declare the same to be, and they shall be thereupon utterly null and void, as against all persons who may subscribe for the same stocks.

[Approved by the Governor, April 15, 1837.]

CHAP. CLXXIV.

An Act to incorporate the Merrimack Coal Mining Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorpo-
rated.

SEC. 1. David Mighill, George Spofford and George Batchelder, their associates and successors, are hereby made a corporation, by the name of the Merrimack Coal Mining Company, for the purpose of digging and mining for coal within the county of Essex, and of converting the same to useful purposes ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of fifteen thousand dollars, and personal estate to the amount of ten thousand dollars.

[Approved by the Governor, April 15, 1837.]

CHAP. CLXXV.

An Act in addition to an Act to incorporate the
Suffolk Mutual Fire Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Suffolk Mutual Fire Insurance Company, in the city of Boston, is hereby authorized and empowered, in addition to the privileges granted it by the act of April fifteenth, in the year one thousand eight hundred and thirty-six, to insure upon stock, tools, furniture and other personal property within this Commonwealth.

Additional privileges.

[Approved by the Governor, April 15, 1837.]

CHAP. CLXXVI.

An Act relating to the powers of Assessors.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Every keeper of any tavern or boarding house, and every master and mistress of any dwelling house, shall, upon application of any assessor in the city, town or district in which such house is situ-

Information to be given of persons liable to be taxed.

Penalty for giving false information.

ated, give information of the names of all persons residing in such house, and liable to be assessed for taxes ; and any such keeper, master or mistress, refusing to give such information, or knowingly shall give information which is false, shall forfeit for each offence the sum of twenty dollars, which shall enure to the use of the town where the offence shall have been committed, to be recovered by the treasurer thereof, in the manner provided in the fifteenth chapter of the Revised Statutes, on complaint before the police court of such town or city, or before any justice of the peace of the county in which the offence shall have been committed.

When to take effect.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 17, 1837.]

CHAP. CLXXVII.

An Act to prevent Bonfires and False Alarms of Fire.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Fine for making bonfire.

SEC. 1. If any person shall be concerned in causing or making a bonfire, in any town in the Commonwealth, within ten rods of any house or building, he shall be punished, on conviction before any court proper to try the same, by a fine not exceeding twenty dollars, or by imprisonment not exceeding one month.

SEC. 2. If any person, without reasonable cause shall, by outcry, or the ringing of bells, or otherwise make or circulate, or cause to be made or circulated, in any town in the Commonwealth, any false alarm of fire, he shall be punished, on conviction, as mentioned in the preceding section, by a fine not exceeding fifty dollars: *provided, however,* that all proceedings under this act within the city of Boston, shall be had on complaint before the Police Court of said city, saving always the right of appeal to the Municipal Court of the city of Boston, as in other cases.

Punishment for making false alarm.

[Approved by the Governor, April 17, 1837.]

CHAP. CLXXVIII.

An Act in relation to the Poor of unincorporated places.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The inhabitants of unincorporated places, who are or shall be required to assess taxes upon themselves towards the support of government, or for defraying the charges of any county, shall be vested with the like powers and be under the same obligations, so far as relates to the relief and support of poor persons falling into want or distress, or who may be in need of immediate assistance within such places respectively, as towns may have or be subject to; and the like proceedings shall be had in such

Unincorporated places vested with same power as towns.

cases, by or against such places, as may be had by or against towns.

Assessors' power
and duties.

SEC. 2. The assessors of such unincorporated places shall be held to perform all the duties, and shall have all the powers of overseers of the poor of towns, for the purpose of carrying into effect the provisions of this act.

Repeal.

SEC. 3. The twenty-third section of the forty-sixth chapter of the Revised Statutes, is repealed.

[Approved by the Governor, April 17, 1837.]

CHAP. CLXXIX.

An Act concerning Gaming.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Owner of gam-
ing house liable
to civil action.

The owner, tenant or occupant of any house or building, in which money or goods may be lost by gaming, or by betting on the sides or hands of such as are gaming, with the knowledge or consent of said owner, occupant or tenant, shall be liable to a civil action, in the same manner and to the same extent as the winner thereof is liable, by the provisions of sections twelfth and thirteenth of the fiftieth chapter of the Revised Statutes.

[Approved by the Governor, April 17, 1837.]

CHAP. CLXXX.

An Act empowering Proprietors of Real Estate, held in common, to dispose of the same.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The proprietors of any real estate, held in common by ten or more persons, who shall be incorporated agreeably to the provisions of the forty-third chapter of the Revised Statutes, may sell such real estate, and divide the proceeds thereof, upon vote of more than two thirds of all the said proprietors, both in number and interest, at any legal meeting thereof, and not otherwise.

Proprietors of real estate may sell.

[Approved by the Governor, April 17, 1837.]

CHAP. CLXXXI.

An Act in relation to Conditional Pardons.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Whenever a pardon is granted to any convict, or any part of the punishment of any con-

Terms of pardon to be specified.

vict is remitted by the governor with advice of council, on conditions to be performed thereafter by such convict, the terms and conditions upon which said pardon or remission is granted, shall be specified and set forth in the warrant thereupon to be issued. And the governor, by and with the advice of the council, may require a bond to be given to the Commonwealth, in such sum, and with such surety, as he may approve, with condition, that the terms, upon which said pardon or remission is granted, shall, by said convict, be truly observed and kept. And the bond so given, shall be deposited with the treasurer of the Commonwealth, and shall be prosecuted to final judgment and execution, whenever the condition thereof shall be broken. And, when said bond is required by the governor, the pardon, or remission of punishment, shall not take effect, until the bond so required, is made and executed, and deposited as aforesaid.

Keeper to cause convict to be arrested if abroad in violation of conditions.

SEC. 2. When any convict, sentenced to confinement in the state prison, or in any jail or house of correction, is pardoned, or his punishment remitted by the governor, with advice of the council, on conditions to be, by said convict observed and performed, and it shall come to the knowledge of the warden of the state prison, or keeper of the jail or house of correction, where such convict had been confined, that said convict was abroad, in violation of the conditions of his pardon or remission of punishment, the said warden or keeper shall forthwith cause the said convict to be arrested and detained according to the terms of his original sentence. And, in computing the period of his confinement, the time between said conditional pardon, and subsequent arrest, shall not be taken to be any part of the term for which said convict was sentenced.

SEC. 3. When any convict shall be arrested and detained for any breach of the condition of his pardon or remission of punishment, as aforesaid, it shall be the duty of the warden or keeper arresting him, forthwith to give notice in writing, to the attorney of the Commonwealth, for the district where such warden or keeper resides, and it shall be the duty of said attorney to file an information before the court of common pleas, to be holden in some county of said district, in the same manner as informations are now filed against convicts sentenced to a second confinement in the state prison, to the end that it may be judicially made known, whether the condition of the said pardon or remission of punishment has been broken by said convict. And in case it is admitted by such convict, or found by the verdict of a jury, that said condition was broken by said convict, the court before whom such information is filed, shall sentence such convict to be remanded and confined for the unexpired term of his former sentence, and to a further period of confinement not exceeding one half the time for which said convict was sentenced for the offence to which said conditional pardon or remission applied, to take effect from and after the period when he shall have suffered the whole term of imprisonment to which he was originally sentenced; or if said convict was before sentenced to confinement for life, then he shall be subjected to such solitary confinement as said court shall order. And if it shall appear to said court, by the verdict of a jury or otherwise, that said convict had not broken the conditions on which his conditional pardon or remission was granted, he shall be thereupon discharged.

In case of an arrest, warden to give notice to attorney of Com.

Attorney to file information before C. C. Pleas.

Convict, how sentenced.

[Approved by the Governor, April 17, 1837.]

CHAP. CLXXXII.

An Act to incorporate the Proprietors of the First Universalist Meeting-house in Lowell.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorpo-
rated.

SEC. 1. Eliphalet Case, David Boynton and James Tower, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the first Universalist Meeting-house in Lowell, with all the powers and privileges, and subject to the restrictions, duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Estate.

SEC. 2. Said corporation may hold real and personal estate the annual income of which, exclusive of their meeting-house, shall not exceed the sum of fifteen hundred dollars ; and said corporation may divide their whole capital stock into shares not less than one hundred, nor more than four hundred in number : *provided*, that no share shall ever be assessed to a larger sum in the whole, than fifty dollars.

May dispose of
pews.

SEC. 3. Said corporation may sell, lease, or otherwise dispose of the pews in their meeting-house as they may think proper : *provided*, that the proceeds of the same shall be applied exclusively to parochial purposes.

[Approved by the Governor, April 17, 1837.]

CHAP. CLXXXIII.

An Act relating to Representative Districts.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. In case any two or more towns in this Commonwealth shall, in the present year or in any tenth year thereafter, form themselves into a representative district by a vote to that effect passed by each of said towns previous to the first day of July, according to the provisions of the twelfth article of amendments of the constitution, the selectmen of each of said towns shall make a return, containing a copy of said vote, into the office of the secretary of the Commonwealth, on or before the first day of August. The said returns shall be attested by the selectmen and the town clerk, shall be sealed up and addressed to the secretary of the Commonwealth, with a superscription expressing the purport of the contents thereof, and the Secretary shall, as soon as may be after the reception of each return, lay the same before the governor and council.

Selectmen to make returns when towns form themselves into a representative district.

SEC. 2. Any selectmen or town clerk who shall wilfully neglect or refuse to make due return according to the requisitions of this act, or who shall be guilty of wilful falsehood in any such return, shall be liable to a fine not exceeding two hundred dollars.

—liable in case of neglect.

SEC. 3. The secretary shall as soon as may be after the passing of this act, transmit a copy of the

Secretary to transmit copies of the act.

same to the selectmen of each town in the Commonwealth.

When to take effect.

SEC. 4. This act shall go into operation from and after the passing of the same.

[Approved by the Governor, April 18, 1837.]

CHAP. CLXXXIV.

An Act further regulating the Fishery in Palmer River, in Rehoboth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Penalty for constructing wear.

SEC. 1. If any person shall make or cause to be made, or shall continue any wear in Palmer river, in the town of Rehoboth, in the county of Bristol, up stream from the land now belonging to Royal Horton, situate on the westerly side of said river, he shall forfeit and pay fifteen dollars for each offence.

Forfeiture, how recovered.

SEC. 2. All forfeitures named in this act, or in either of the acts to which this is in addition, may be recovered either by indictment for the use of said county, or otherwise, as now provided by law.

Former acts repealed.

SEC. 3. All acts and parts of acts regulating the fishery in said town, inconsistent with this act, are hereby repealed.

When to take effect.

SEC. 4. This act shall take effect from and after the passage of the same.

[Approved by the Governor, April 18, 1837.]

CHAP. CLXXXV.

An Act relating to Notices of Applications for the appraisal and sale of Personal Property, attached on mesne process.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

When application is made to the attaching officer, according to the provisions of the fifty-eighth section of the ninetieth chapter of the Revised Statutes, for the appraisal and sale of personal property attached on mesne process, and the defendant in the action is not within the Commonwealth, and has no attorney therein, notice thereof in writing shall be left at his last and usual place of abode within the Commonwealth, if he has any, otherwise it shall be delivered to or left at the dwelling-house or place of business of the person who had possession of said property at the time of the attachment; and such notice shall be a sufficient notice to the defendant, to authorize the appraisal and sale of said property, according to the provisions of said chapter.

Attaching officer,
how to notify.

[Approved by the Governor, April 18, 1837.]

CHAP. CLXXXVI.

An Act to establish a Registry of Deeds for the southern towns in the county of Bristol.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Towns forming a district for the registry of deeds.

SEC. 1. The towns of Westport, Dartmouth, New Bedford and Fairhaven, in the county of Bristol, are hereby constituted a District for the Registry of Deeds, and for all things relating to a register and registry of deeds shall be deemed to be a county; and all provisions of law now existing concerning that subject shall apply to that office and officer in said district, (excepting as is hereinafter provided for the first election of register and for the term of his office,) and the office of the said register shall be kept in the town of New Bedford.

Manner of choosing first register.

SEC. 2. For the purpose of choosing the first register, the selectmen of each of said towns are hereby directed to call meetings of the inhabitants of their respective towns, qualified to vote for representatives to the general court, for the first Monday of June next, to elect some person duly qualified by law for register of deeds of said district, and the result of said election shall forthwith be transmitted to the county commissioners of said county of Bristol, in the same manner as is now provided concerning the stated elections of registers for the several counties; and said county commissioners shall meet at the court-house in New Bedford, on the third

County commissioners, how to proceed.

Monday of June next, and there proceed to count the votes, and in all respects to act as they are by law required to do concerning the elections of registers for the several counties; and if no person shall be elected, said commissioners shall appoint some person to be register, until an election shall be made, and shall issue their notices for a new election, and further proceed as is provided by law.

SEC. 3. Said register shall hold his office for the term of five years from the annual meeting of said towns, in the year eighteen hundred and thirty-six, and until some other person is chosen and qualified in his stead, subject however to all the provisions now existing relating to the office of register.

Register, how long to hold his office.

SEC. 4. All the towns in said county of Bristol, not above named, are hereby also constituted a district for the registry of deeds, and in all things relating to the registry and register of deeds, shall be deemed a county; and the present register of deeds for the said county of Bristol, shall be the register of the said last mentioned district, for the term for which he was elected, and until some other person is chosen and qualified in his stead, under the general provisions of law.

Towns not named in 1st sec. to constitute a district for registry of deeds.

SEC. 5. This act shall take effect from and after the first day of July next, excepting as to the election of the register provided for in the second section hereof.

Act, when to take effect.

[Approved by the Governor, April 18, 1837.]

CHAP. CLXXXVII.

An Act in addition to An Act to incorporate the
Chemical Dyeing and Printing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Additional powers.

The Chemical Dyeing and Printing Company, in addition to the powers already granted them, are hereby authorized to hold real estate of the value of fifty thousand dollars, for the purposes set forth in their charter ; and the whole capital stock of said corporation shall not exceed one hundred and fifty thousand dollars.

[Approved by the Governor, April 18, 1837.]

CHAP. CLXXXVIII.

An Act to aid the construction of the Andover
and Haverhill Rail-road.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Treasurer of
Commonwealth
authorized to is-
sue scrip.

SEC. 1. The treasurer of this Commonwealth is hereby authorized and directed to issue scrip or certificates of debt, in the name and behalf of the

Commonwealth, for the sum of one hundred thousand dollars, bearing an interest of five per cent. per annum, payable semi-annually at the office of said treasurer, and redeemable at the same place, at the expiration of twenty years from the 1st day of August next; which scrip or certificates shall be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof: and the said treasurer shall deliver said scrip or certificates of debt to the treasurer of the Andover and Haverhill Rail-road Corporation, for the purpose of enabling the said corporation to complete their rail-road, at such times and under such conditions as are hereafter provided.

SEC. 2. When said corporation shall have paid in and expended, in the construction of their rail-road, the sum of two hundred thousand dollars, the treasurer of the Commonwealth shall deliver to the treasurer of said corporation scrip or certificates issued as aforesaid, to the amount of fifty thousand dollars. And when they shall have paid in and expended as aforesaid the sum of three hundred thousand dollars, in addition to the amount of scrip which they shall have received from this Commonwealth, the treasurer of the Commonwealth shall deliver to the treasurer of said corporation scrip or certificates, issued as aforesaid, to the amount of the further sum of fifty thousand dollars: *provided*, that before any such scrip or certificates shall be delivered to the treasurer of said corporation as aforesaid, said corporation shall furnish evidence, satisfactory to the governor and council, that said payments and expenditures have been made as aforesaid.

Treasurer, when to deliver scrip, amount, &c.

Proviso.

SEC. 3. This act shall not take effect until said corporation, at a meeting of the stockholders duly

Act, not to take effect, until, &c.

Conditions of
act.

notified for that purpose, shall have assented to all the provisions of the same, and shall have executed to the Commonwealth a bond, in such form as the attorney general shall prescribe, conditioned that said corporation shall indemnify and save harmless the Commonwealth from all liability on account of said scrip or certificates, and shall pay all interest thereon punctually, as the same shall fall due, at the office of the treasurer of the Commonwealth, until the principal sum or sums thereof shall be paid by said corporation; and shall pay, at the office of said treasurer of the Commonwealth, the principal sum or sums aforesaid, one year before the same shall become redeemable by the Commonwealth. And shall also convey, by a suitable instrument, to be prepared for that purpose under the direction of the Attorney general, their entire road and its income, and all the property and franchise to them belonging, as a pledge or mortgage to secure the performance of all the conditions of said bond. And shall also transfer to this Commonwealth one thousand shares of the capital stock of said corporation, to be held by the treasurer of the Commonwealth as further security for the performance of the conditions of the said bond, and to be sold by the said treasurer, at the pleasure of the General Court, upon the failure of the said corporation to pay the interest of the said scrip or certificates of debt, or the principal thereof, as aforesaid.

[Approved by the Governor, April 18, 1837.]

CHAP. CLXXXIX.

An Act to authorize Abraham Hobart to erect a dam across Monatiquot River in the town of Braintree.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Abraham Hobart of Braintree, his heirs or assigns, are hereby authorized to erect a mill dam across Monatiquot River, in said town, three or four rods below where his present dam is now located, to be raised no higher than the tide usually flows, with a sufficient passage or sluiceway therein for the passage of such vessels, boats or rafts as may have occasion to go up and down said river of at least twenty-four feet in width, with good and sufficient sluice-gates to be constructed with paddle-gates therein of two feet square : *provided, however,* that the mud sill upon which said sluice-gates are placed, shall not rise more than twelve inches above the bed of the river, and that said sluice-gates shall, at all times, be opened by said Hobart, his heirs or assigns, when it is practicable so to do, for the passage of vessels, boats or rafts up and down said river : *and provided further,* that, at all times during the continuance of said dam, there shall be kept up and maintained upon the water privilege, created by said dam, a grist-mill, in which shall be ground all kinds of grain, and that there shall be maintained, in said dam, a sufficient passage-way, for the herring and

Authorized to erect mill dam.

Provisos.

other fish to pass up said river: *and provided further*, that nothing herein contained shall authorize said Hobart, his heirs or assigns, to appropriate, for said dam and privilege, the property or lands of others, except in the manner now provided by law. And that said dam shall be erected within three years from and after the passage of this act.

[Approved by the Governor, April 18, 1837.]

CHAP. CXC.

An Act to aid the construction of the Eastern Railroad.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Treasurer of
Com. authorized
to issue scrip, &c.

SEC. 1. The treasurer or receiver-general of the Commonwealth is hereby directed to issue scrip or certificates of debt, in the name and in behalf of the Commonwealth, under the hand of the said treasurer, and the seal of the Commonwealth, for the sum of five hundred thousand dollars, bearing an interest of five per cent. per annum, payable semi-annually at the office of the said treasurer, and redeemable at the same place at the expiration of twenty years from the first day of July next, which scrip or certificates shall be deemed to be a pledge of the faith and credit of the Commonwealth for the redemption thereof. And the said treasurer shall deliver said scrip or certificates of debt to the treasurer of said Eastern Rail-road Company, for the purpose of

enabling the said company to complete their road, at such times and under such conditions as are hereinafter provided.

SEC. 2. When the said company shall have received on assessments legally made, and expended in the construction of their road, or the necessary appurtenances thereof, the sum of three hundred thousand dollars, the treasurer of the Commonwealth shall deliver to the treasurer of said company scrip or certificates, issued as aforesaid, to the amount of one hundred thousand dollars. And when said company shall have completed their road from the city of Boston to the South River in the city of Salem, the treasurer of the Commonwealth shall deliver to the treasurer of said company, scrip or certificates, issued as aforesaid, to the further amount of one hundred thousand dollars. And when they shall have received as aforesaid the further sum of two hundred thousand dollars, in addition to the amount of scrip received from the Commonwealth, and shall have expended the said two hundred thousand dollars on the road between Salem and Newburyport, the treasurer of the Commonwealth shall deliver to the treasurer of said company, scrip or certificates, issued as aforesaid, to the further amount of one hundred thousand dollars. And when they shall have expended, or received as aforesaid for the purpose of being expended, the sum of seven hundred thousand dollars, in addition to the amount of said scrip which they shall have received from the Commonwealth, the treasurer of the Commonwealth shall deliver to the treasurer of the said company, scrip or certificates, issued as aforesaid, to the further amount of one hundred thousand dollars. And when they shall have completed their

Treasurer, when
to deliver scrip,
amount, &c.

road as far as the proposed depot in Newburyport, the treasurer of the Commonwealth shall deliver to the treasurer of said company, scrip or certificates, issued as aforesaid, to the further amount of one hundred thousand dollars: *provided*, that before any such scrip or certificates shall be delivered to the treasurer of the said company, as aforesaid, the said company shall furnish evidence, satisfactory to the governor and council, that said expenditures and completion have been made as aforesaid.

Proviso.

Act not to take effect until, &c.

Conditions of act.

SEC. 3. This act shall not take effect until said company, at a meeting of the stockholders duly notified for that purpose, shall have assented to all the provisions thereof, and shall have executed to the Commonwealth a bond, in such form as the attorney-general shall prescribe, conditioned that said company shall indemnify and save harmless the Commonwealth from all liability on account of said scrip or certificates, and shall pay the interest thereon punctually, as the same shall fall due, at the office of the treasurer of the Commonwealth, until the principal sum or sums thereof shall be paid by said company. And shall pay at the office of said treasurer of the Commonwealth, the principal sum or sums aforesaid, one year before the same shall become redeemable by the Commonwealth. And shall also convey by a suitable instrument, to be prepared for that purpose under the direction of the attorney-general, their entire road and its income, and all the property and franchise to them belonging, as a pledge or mortgage to secure the performance of all the conditions of said bond.

[Approved by the Governor, April 18, 1837.]

CHAP. CXCI.

An Act authorizing Isaac Harris to extend his Wharf.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Isaac Harris proprietor of two certain wharves in the city of Boston, fronting on Commercial-street, and lying between Fiske's wharf and the Winnisimmit ferry slip, is hereby authorized and empowered to extend and maintain his said wharves straight into the harbor channel, as far as the line established by the commissioners appointed to survey the harbor of Boston, under a resolve of the Legislature passed March fifth, in the year one thousand eight hundred and thirty-five, and shall have and enjoy the right and privilege of laying vessels at the sides and ends of his said wharves, and receiving dockage and wharfage therefor: *provided*, Authorized to extend and maintain wharves. that so much of said wharves as may be constructed in said channel shall not be built otherwise than on piles within two hundred and twenty-five feet of said line: *and, provided*, Proviso. that this grant shall in no wise interfere with the legal rights of any other person or persons whatsoever.

[Approved by the Governor, April 18, 1837.]

CHAP. CXCVII.

An Act to cause the several Insurance Companies
to make Annual Returns.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Secretary to
make annual re-
turns.

SEC. 1. From and after the first day of March, in the year eighteen hundred and thirty-seven, the secretary of each insurance company with specific capital in the Commonwealth, shall make annual returns, which he shall transmit as soon as may be, not exceeding fifteen days from the first day of December, to the secretary of this Commonwealth.

Return to designate, &c.

SEC. 2. Each return shall designate, in distinct columns, the several particulars hereinafter named, as they existed on the above named first day in each December, in substance as follows, to wit :

Form of return.	FUNDS. How Invested.	With the Names of the Banks and Am't owned in each.	AMOUNT Due from Office.
Location.			
Name.			
Capital.			
United States Stocks.			
Massachusetts Stocks.			
Loans on Bottomry and Respondentia.			
Invested in Real Estate.			
Secured by Mortgage on same.			
Loans on Collateral or Personal Security.			
Cash on Hand.			
Due on Book.			
Reserved Fund.			
Debts owed.			
Losses as ascertained and unpaid.			
Estimated Amount of Losses exclusive of Salvage.			
At Risk Fire.			
At Risk Marine.			
Average Annual Dividend.			
Highest rate of Interest paid, or Discount received, on any one Loan.			
What amount of Bank Stock returned as being owned by the Co. is pledged for money borrowed			

Which return shall be signed by the president and secretary of such insurance company, who shall make oath, before some justice of the peace, to the truth of said return, according to their best knowledge and belief.

SEC. 3. Every insurance company neglecting to comply with the provisions of the preceding sections, shall forfeit to the use of the Commonwealth, to be recovered by the treasurer thereof, one hundred dollars for each and every neglect. Forfeiture in case of neglect.

SEC. 4. The secretary of the Commonwealth shall furnish two printed copies of the form of the return required by this chapter, to the secretary of every insurance company, in the month of October or November annually. Secretary to furnish blank returns.

SEC. 5. The secretary of the Commonwealth, after he shall have received the returns from the several insurance companies aforesaid, shall, as soon as may be, cause to be prepared and printed a true abstract from those returns, with each column of such abstract added up, and he shall transmit by mail one copy thereof to the president of each insurance company in the Commonwealth, and shall submit the same to the Legislature, at the next session thereof. —to prepare an abstract of returns.

[Approved by the Governor, April 18, 1837.]

CHAP. CXCIH.

An Act to regulate the Alewive Fishery in Middleborough.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May dispose of
right of taking
alewives.

SEC. 1. The inhabitants of the town of Middleborough, in the county of Plymouth may, at any meeting called for that purpose, dispose of their right of taking alewives in said town by contract, or by sale at public auction, for a term not exceeding five years, on any one contract, or sale ; or said town may improve their right aforesaid by choosing agents to take said alewives, and dispose of the same as the town may, from time to time, direct.

Repeal.

SEC. 2. All acts and parts of acts, regulating the fishery in said town, inconsistent with this act, are hereby repealed.

When to take
effect.

SEC. 3. This act shall take effect from and after the passage thereof.

[Approved by the Governor, April 18, 1837.]

CHAP. CXCIV.

An Act providing for a return by Overseers of the Poor.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The overseers of the poor of the several towns in this Commonwealth and the directors of the house of industry in the city of Boston, shall, on or before the second Wednesday of January of each year, make out and return to the secretary of this Commonwealth a statement of the paupers in said town, as they are on the last Monday of December preceding ; which return shall contain true and correct answers to the following enquiries, viz : What number of persons have been relieved or supported as paupers during the year in your town ? Of these, how many have a legal settlement in your town, or elsewhere in this Commonwealth ? How many State paupers does your town support ? How many of those are foreigners ? How many of the foreigners are from England and Ireland ? Have you an alms house ? What number of acres of land is attached to your alms house ? What is the estimated value of your alms house establishment ? What number of persons have been relieved in your alms house during the year ? What is the average number supported in alms house ? What is the average weekly cost of supporting each pauper in

Overseers and directors to make returns to Secretary.

Interrogatories to be answered in making the return.

alms house? What number of persons in your alms house who are unable to perform any kind or amount of labor? What is the estimated value of all the labor performed by paupers in your alms house? How many persons do you aid and support out of alms house? What is the average weekly cost of supporting paupers out of alms house? How many does your town support or relieve who are insane? How many do you relieve or support who are idiots? What proportion of your paupers, in your opinion have been made dependent by intemperance in themselves, or those who ought to have been their supporters? What number of your foreign paupers have come into this Commonwealth within one year? What is the total net amount of expense of supporting or relieving paupers in your town for one year, including interest on your alms house establishment? What amount does your town receive from the treasury of this Commonwealth towards the support of State paupers? And the secretary of this Commonwealth shall, in the month of November annually, furnish the overseers of the poor of each town with a blank form of return, which shall contain in substance the foregoing interrogatories.

Secretary to furnish annually, blank returns.

—to prepare annually, an abstract of the returns for the Legislature.

SEC. 2. The Secretary of this Commonwealth shall, as soon after the second Wednesday of January of each year as practicable, make out an abstract of the returns of the overseers of the poor, together with such explanatory remarks as he shall deem proper, and cause the usual number to be printed for the use of the Legislature.

Penalty for not making returns to secretary.

SEC. 3. If the overseers of the poor of any town in this Commonwealth, or the directors of the House of Industry in the city of Boston, shall refuse or ne-

glect to make the return as aforesaid, they shall forfeit a sum not exceeding one hundred dollars, to be recovered by indictment, in any court of competent jurisdiction.

[Approved by the Governor, April 18, 1837.]

CHAP. CXCIV.

An Act to regulate the Fishery in Newbury.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The inhabitants of the town of Newbury, in the county of Essex, may, at any legal meeting called for that purpose, regulate the taking the several kinds of fish, in Parker river and other streams within said town, or dispose of the privileges of taking the same to their own use and benefit, in any manner they may think proper, and shall choose by ballot, a committee consisting of three discreet persons, who shall cause the regulations adopted by said town to be carried into effect, who shall be sworn to the faithful performance of their duty.

May regulate the taking of fish.

SEC. 2. The selectmen for the time being shall post up at three or more public places in said town, the regulations established by said town respecting the fishery in the river and streams aforesaid.

Selectmen to post up regulations.

SEC. 3. If any person shall take any fish, in said river and streams at any time, or in any place

Fine for offence.

or manner, other than shall be allowed by said town as aforesaid, he shall for each offence, on conviction thereof, pay a fine not exceeding five dollars, to be recovered in any court proper to try the same, to the use of him who shall prosecute for the same : *provided, however,* that nothing contained in this act shall be so construed as to prohibit any inhabitant of the town of Rowley, from taking fish in that part of the branch of Parker river called Mill river, which constitutes the dividing line in part between the towns of Newbury and Rowley.

Proviso.

Repeal.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

[Approved by the Governor, April 18, 1837.]

CHAP. CXCVI.

An Act to authorize the Proprietors of the Wharf formerly called "Thompson's Wharf," to extend the same.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Proprietors authorized to extend wharf.

SEC. 1. The proprietors of the wharf in the city of Boston, formerly called Thompson's Wharf, adjoining the wharf called Snow's Wharf, are hereby authorized and empowered to extend and maintain the said wharf straight into the harbor channel, as far as to a line drawn straight from the present northeasterly corner of Lewis' Wharf, so called, to

a point on the northerly end of said line, intersected by the southeasterly line or side of Union Wharf, extended straight as far as the proprietors of said Union Wharf are authorized to extend the same, by an act, entitled, an act to authorize the proprietors of Union Wharf to extend the same, passed on the twenty-seventh day of February, in the year one thousand eight hundred and twenty-nine : and the proprietors of the said wharf, formerly called Thompson's Wharf, shall have and enjoy the right and privilege of laying vessels at the northerly side, and at the end of their said wharf, and receiving wharfage and dockage therefor : *provided*, that so much of said wharf as may be constructed in said channel shall be built on piles : *and provided*, that nothing herein contained shall be construed to authorize the proprietors of said wharf to lessen or injure the rights or property of the owner or owners of any wharf or wharves adjoining the said wharf, formerly called Thompson's Wharf.

Rights and privileges.

Provisos.

[Approved by the Governor, April 19, 1837.]

CHAP. CXCVII.

An Act to incorporate the Essex County Teachers' Association.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Nehemiah Cleveland, Benjamin Greenleaf, George Titcomb, their associates and successors, are hereby

Persons incorporated.

Estate.

made a corporation, by the name of the "Essex County Teachers' Association," to be established in the county of Essex; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes; and said corporation may hold real and personal estate to the amount of twenty thousand dollars, to be devoted exclusively to purposes of education, and the improvement of the qualifications of teachers.

[Approved by the Governor, April 19, 1837.]

CHAP. CXCVIII.

An Act concerning Persons Imprisoned for Debt,
and relating to Bail.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons imprisoned may be discharged by giving bond.

SEC. 1. Every person who is held in prison in any civil action, at the time when final judgment in such action is rendered against him, shall be discharged upon giving to the creditor a bond, with sufficient surety or sureties, to be approved by two justices of the quorum, in a penalty not less than double the amount of the judgment, conditioned that he shall surrender himself at the same prison, to the keeper thereof, between the hours of eight and ten of the clock of the forenoon of the thirtieth day next after the rendition of said judgment, or, if said thirtieth day shall fall on Sunday, on the next fol-

lowing day, which day shall be specified in the said bond, and there remain until five o'clock of the afternoon of the said day in said bond mentioned, so that he may be taken on the execution, if any, issuing on said judgment.

SEC. 2. All the provisions of the laws relating to bonds given for the liberty of the prison limits, by a debtor committed on execution, shall apply to the bond mentioned in the preceding section, as to the duty of the jailer, and the rights and liabilities of all the parties concerned, and also as to any suit and judgment on the bond, and all other things relating thereto, excepting as is otherwise provided in this act.

All laws relating to bonds shall apply to that given in preceding section.

SEC. 3. If an execution issuing on such judgment shall be delivered to any officer qualified to serve the same, he may, at any time within thirty days after the rendition of judgment on which the same is issued, leave said execution, or a copy thereof, with the jailer; and in such case the debtor shall, upon the surrender of himself as provided in said bond, be committed and held by the jailer upon the execution, in like manner as if he had been taken and committed thereon by the officer to whom the execution was delivered; and the said officer shall return the taking and commitment in like manner, and shall be entitled to the same fees, as if the execution had been served in the common form; and the jailer shall, immediately after the expiration of said term of thirty days, certify under his hand, upon the execution or copy so left with him, the fact that such debtor has or has not surrendered himself, according to the truth of the case, and give a similar certificate to the officer, on request, to be annexed to his return on the execution, and such

Officer serving an execution, may leave it with the jailer, &c.

Jailer to certify.

certificate shall be deemed sufficient authority to the officer to make his return accordingly ; and such return, with the certificate annexed, shall be deemed *prima facie* evidence of the fact, as well on the question of breach of condition of the bond as in other cases.

Jailer liable for damages in giving false certificate.

—entitled to fees.

SEC. 4. If the jailer shall give any false certificate in the premises, it shall be deemed misconduct in office, for which any party injured shall have a remedy in damages. On any surrender of a debtor to the jailer, on which he is taken in execution, the jailer shall be entitled to a fee of fifty cents ; and for a certificate thereof, or of the non-surrender of the debtor, a fee of twenty-five cents, to be paid by the officer, and charged among the expenses of serving the execution. In all other cases where a certificate is required, the jailer shall be entitled to a fee of twenty-five cents, to be paid by the party requiring the same.

Person bailed to be enlarged, by giving bond for his surrender.

SEC. 5. If any person who has been bailed on mesne process, in any civil action, shall be surrendered by his bail, at any time after final judgment in such action, he shall be enlarged upon giving to the creditor a bond like that before prescribed in this act, excepting that the condition thereof shall be for his surrender at the same prison on the thirtieth day next after the surrender by his bail, the particular day on which the same will fall, and the particular prison at which the surrender is to be made, where there is more than one prison in the same county, to be specified in the condition of the bond. And all the other provisions relating to the bond first mentioned in this act, shall apply to the bond prescribed in this section.

SEC. 6. Nothing contained in this act shall pre-

vent any officer from taking the debtor, and committing him to prison on any such execution, at any time within the said thirty days after the rendition of judgment, or surrender by the bail, as he might have done if such bond had not been given. And the commitment of the debtor in such case, shall be deemed equivalent to his surrender, according to the condition of his bond, and shall discharge the same.

Officer may commit debtor to prison on execution, &c.

[Approved by the Governor, April 19, 1837.]

CHAP. CXCIX.

An Act to obtain statistical information in relation to certain branches of industry within the Commonwealth.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The assessors of each town in the Commonwealth shall, between the first day of May and the first day of October next, make a return to the secretary of the Commonwealth, of the following facts, as they exist in each town on the first day of April preceding, to wit : The number of cotton mills in the town. The whole number of cotton spindles. Quantity of cotton consumed during the year ending April first, one thousand eight hundred and thirty-seven. Number of yards of cotton goods manufactured during said year. Gross value of cotton

Assessors of towns to make returns to the secretary of State.

Branches of industry.

Branches of industry.

goods manufactured during said year. Number of males employed in the manufacture of cotton. Number of females employed in same. Amount of capital invested in the manufacture of cotton. The number of woollen mills in the town. Number of sets of woollen machinery. Quantity of wool consumed during said year. Number of yards of cloth manufactured. Gross value of woollen goods manufactured. Number of males employed in the manufacture of wool. Number of females employed in same. Amount of capital invested in manufacture of wool. Quantity of sperm oil used by manufacturers. The whole number of Saxony sheep of different grades in the town. The whole number of merino sheep of different grades. The whole number of all other kinds of sheep. Whole number of pounds of Saxony wool produced in said year. Whole number of pounds of merino wool. Whole number of pounds of all other kinds of wool. Average weight of fleece per head of all kinds of sheep. Gross value of wool produced in the town in said year. Amount of capital invested in the growing of wool. Number of pairs of boots manufactured during the year ending April first, one thousand eight hundred and thirty-seven. Number of pairs of shoes of all kinds. Gross value of boots and shoes manufactured. Number of males employed in the business. Number of females in same. Number of tanneries. Number of hides of all kinds tanned during said year. Gross value of leather tanned and curried. Number of hands employed. Amount of capital invested in the business. Number of hat manufactories. Number of hats manufactured. Gross value of hats manufactured. Number of males employed. Number

of females. Number of paper mills. Number of tons of stock manufactured. Gross value of paper manufactured. Number of males employed. Number of females. Amount of capital invested. Number of furnaces for manufacture of pig iron. Number of tons of pig iron made during said year. Gross value of same. Number of hands employed in manufacture of pig iron. Amount of capital invested in manufacture of same. Number of forges. Number of tons of bar iron manufactured in said year. Gross value of bar iron manufactured in same. Number of hands employed in same. Amount of capital invested in same. Number of air and cupola furnaces. Tons of iron castings made during said year. Gross value of same. Number of hands employed. Amount of capital invested. Number of nail factories. Number of tons of nails manufactured during said year. Gross value of nails manufactured in said year. Number of hands employed. Amount of capital invested. Number of scythe manufactories. Number of scythes manufactured during said year. Gross value of scythes manufactured in same. Number of hands employed in the business. Amount of capital invested in same. Number of axe manufactories. Number of axes manufactured during the year. Gross value of axes manufactured in same. Number of hands employed in the business. Amount of capital invested in same. Number of manufactories of cutlery. Gross value of cutlery manufactured in the year. Number of hands employed in the business. Amount of capital invested. The number of metal button manufactories. Number of gross of metal buttons manufactured in said year. The value of metal buttons manufactured in said year. Number of males

Branches of industry.

Branches of industry.

employed in the business. Number of females. Amount of capital invested in the business. Number of manufactories of shovels, spades, forks or hoes. Gross value of same manufactured in said year. Number of hands employed in the business. Amount of capital invested in the business. Number of manufactories of glass. Gross value of glass manufactured in said year. Number of hands employed in the business. Amount of capital invested in same. Number of establishments for manufacture of chairs and cabinet ware. Gross value of same manufactured in said year. Number of hands employed in the business. Number of comb manufactories. Value of combs manufactured in said year. Number of males employed in the business. Number of females. Number of plough manufactories. Number of ploughs manufactured in said year. Value of ploughs manufactured in said year. Number of hands employed in the business. Number of manufactories of tin ware. Gross value of tin ware manufactured in said year. Number of hands employed in the business. Number of manufactories of silk. Number of yards of silk goods manufactured in said year. Gross value of silk goods manufactured. Number of males employed in the business. Number of females. Amount of capital invested in the business. Value of wooden ware, of all kinds, manufactured in said year. Number of hands employed in the business. Number of distilleries. Number of bushels of grain distilled. Number of gallons of molasses distilled. Number of gallons of spirit distilled. Gross value of spirits distilled. Number of straw bonnets manufactured by the dealer in the article. Gross value of straw bonnets and straw braid so manufactured. Number of palm-leaf

hats manufactured by the dealer in the article. Branches of industry.
 Gross value of palm-leaf hats so manufactured.
 Number of establishments for manufacture of salt.
 Number of bushels of salt manufactured in the year. Gross value of salt manufactured in the year.
 Number of hands employed in the business. Amount of capital invested in the business. The number of vessels built in the five years preceding April first, one thousand eight hundred and thirty-seven.
 Amount of tonnage of the same. Gross value of same. Number of hands employed in ship building. Number of vessels employed in the whale fishery. Tonnage of same. Number of gallons of sperm oil imported during said year. Number of gallons of whale oil imported during said year. Gross value of sperm oil imported during said year. Gross value of whale oil imported during said year. Number of hands employed in whale fishery. Amount of capital invested in same. Number of vessels employed in the cod and mackerel fishery. Amount of tonnage of same. Number of quintals of codfish caught in said year. Gross value of same. Number of barrels of mackerel caught in said year. Gross value of same. Number of bushels of salt used in the cod and mackerel fishery in said year. Number of hands employed in said fishery. Amount of capital invested in same. Gross value of other articles or goods manufactured in the town during said year, with a description of the same. Number of hands employed in the business. Capital invested in same.

SEC. 2. The secretary of the Commonwealth shall cause to be printed blank tables, conveniently arranged for the return of the facts aforesaid, with ten blank columns for the returns of facts contem-

Secretary to furnish blanks.

plated in the last paragraph of the first section of this act, and shall furnish three copies of the same, together with a copy of this act, to the assessors of each town, on or before the first day of May next.

Secretary to prepare abstract for the Legislature.

SEC. 3. The secretary of the Commonwealth, after he shall have received the returns aforesaid from the assessors of the several towns, shall cause to be prepared and printed, a true abstract of the same, with each column of figures of such abstract added up, for the use of the Legislature, at the next session thereof.

Assessors' compensation.

SEC. 4. Each assessor shall receive from the treasury of the Commonwealth, one dollar and twenty-five cents a day for every day that he shall be employed in making the return aforesaid; and the accounts of assessors for these services shall be audited by a committee of the Legislature.

—may authorize suitable person to collect, &c.

SEC. 5. The assessors of any town may authorize either of their number, or some other suitable person, to collect the information required by this act, to whom the same allowance, per day, shall be made from the treasury of the Commonwealth, as is provided for the services of the assessors.

—to forfeit in case of neglect.

SEC. 6. If the assessors of any town shall wilfully neglect to make the return aforesaid, in the manner aforesaid, such assessors shall forfeit to the Commonwealth a sum not exceeding one hundred dollars.

When to take effect.

SEC. 7. This act shall take effect from and after its passage.

[Approved by the Governor, April 19, 1837.]

CHAP. CC.

An Act relating to the Meetings of the Norfolk
County Commissioners.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The county commissioners for the county of Norfolk, are hereby authorized and required to hold a meeting at Dedham, in said county, on the last Wednesday of December, annually.

Commissioners
authorized to
hold meeting in
December.

[Approved by the Governor, April 19, 1837.]

CHAP. CCI.

An Act to incorporate the Shawmut Mills.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Arthur Livermore, Caleb Abbott, John Nesmith, their associates and successors, are hereby made a corporation, by the name of the Shawmut Mills, for the purpose of manufacturing cotton and woollen goods and machinery, in the town of Andover, in the county of Essex ; and for these purposes shall have all the powers and privileges, and be sub-

Persons incorpo-
rated.

ject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred thousand dollars.

[Approved by the Governor, April 19, 1837.]

CHAP. CCII.

An Act to alter certain parts of the Boundary Line between the city of Boston and the town of Roxbury.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Boundary between Boston and Roxbury.

SEC. 1. The boundary line between the city of Boston and the town of Roxbury, which now runs on the easterly side of Plymouth street, shall be altered so that the same shall hereafter be established as follows, to wit : beginning at a stone monument, which now marks the south corner bound of said city, being one hundred and forty-one feet easterly of said Plymouth street, and from the said monument running on a straight line in a northeasterly direction to the centre point, (so called,) where the Roxbury old and new channels form a junction, being about four thousand five hundred feet from the said monument.

SEC. 2. The boundary line between the said city and town, which now passes over a part of Tremont street in said city, shall be altered so that the same shall be hereafter established as follows, to wit: beginning on the southeasterly side of said Tremont street, at the centre of a bridge now erected across the creek which divides the said city from said town, and thence running northwesterly at right angles with said Tremont street about two hundred and fifty feet, until it intersects the present boundary line between said city and town, in the middle of said creek.

[Approved by the Governor, April 19, 1837.]

CHAP. CCIII.

An Act in addition to an Act to incorporate the Proprietors of the Quincy Canal.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

The proprietors of the Quincy Canal are hereby authorized to assess upon the shares of the capital stock of said corporation the sum of thirty dollars each, in addition to the sum specified in the act to which this is in addition.

[Approved by the Governor, April 19, 1837.]

CHAP. CCIV.

An Act authorizing Benjamin Comey to extend his Wharf.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Authorized to
extend and main-
tain wharf, &c.

Benjamin Comey, proprietor of a certain wharf in the northerly part of Boston, fronting on Commercial street, and lying between Ripley's wharf and the town slip or Foster street, is hereby authorized to extend and maintain his said wharf into the harbor channel, as far as the line established by the commissioners for the survey of Boston harbor, appointed under a resolve of the Legislature passed March fifth, in the year one thousand eight hundred and thirty-five; and that he shall have the right and privilege of laying vessels at the southeasterly side and the end of said wharf, and of receiving dockage and wharfage therefor: *provided*, that so much of said wharf as shall be erected under this act, shall be built on piles, and that this grant shall in no wise interfere with the legal rights of any person or persons whatever.

Proviso.

[Approved by the Governor, April 19, 1837.]

CHAP. CCV.

An Act concerning the State Prison and the government and discipline thereof.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. From and after the first day of April current, the clerk of the State Prison shall be paid a salary of one thousand dollars ; the chaplain, a salary of nine hundred dollars ; each of the turnkeys, a salary of six hundred dollars ; and each of the watchmen, a salary of four hundred and fifty dollars a year : and there shall also be allowed sufficient fuel for all officers of the prison residing or boarding within the limits thereof. Officers' salaries.

SEC. 2. There shall be paid to each of the turnkeys and watchmen in addition to their salaries, at the rate of fifty dollars for the year, for the time they served in those offices between the first day of April last, and the first day of April current ; and the officers of the prison, residing or boarding within the limits thereof, shall be reimbursed the expense of their fuel for the same time. Additional pay,
&c.

[Approved by the Governor, April 19, 1837.]

CHAP. CCVI.

An Act to incorporate the Tremont Mining Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorpo-
rated.

SEC. 1. Charles Mason, Charles Rice, Seth Mason, their associates and successors, are hereby made a corporation, by the name of the Tremont Mining Company, for the purpose of digging for, raising, or quarrying minerals, coals and metals, vending the same, and carrying on the various branches of the quarrying and mining business, in the counties of Bristol, Suffolk and Norfolk ; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of one hundred thousand dollars, and the whole capital stock shall not exceed two hundred and fifty thousand dollars.

[Approved by the Governor, April 19, 1837.]

CHAP. CCVII.

An Act relating to the appointment of Provers of
Fire Arms.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The governor, with the advice and consent of the council, shall appoint suitable persons, not exceeding six in each county, to be provers of fire arms, agreeably to the provisions of the twenty-eighth chapter of the Revised Statutes; any thing in said chapter to the contrary notwithstanding.

Governor to appoint provers of fire arms.

[Approved by the Governor, April 19, 1837.]

CHAP. CCVIII.

An Act to incorporate the proprietors of the Fourth
Universalist Meeting-House in Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Joseph Harris, Jr., William P. Loring and Ebenezer Stevens, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Fourth Universalist Meet-

Persons incorporated.

ing-House in Boston, in the county of Suffolk; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the twentieth chapter of said statutes which relates to the proprietors of churches or meeting-houses.

Estate.

SEC. 2. Said corporation may hold personal and real estate to an amount not exceeding twenty thousand dollars: *provided*, that the annual income thereof be applied exclusively to parochial purposes.

[Approved by the Governor, April 19, 1837.]

CHAP. CCIX.

An Act to incorporate the Stoneham Marble and Lime Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Charles E. Bowers, Elias Kingsley and John Low, their associates and successors, are hereby made a corporation, by the name of the Stoneham Marble and Lime Company, for the purpose of quarrying and manufacturing marble and lime and carrying on the business thereof in Stoneham, in the county of Middlesex, and in Boston in the county of Suffolk; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the

thirty-eighth and forty-fourth chapters of the Revised Statutes.

SEC. 2. The said corporation may hold for the ^{Estate.} purposes aforesaid, real estate to the amount of one hundred thousand dollars; and the whole capital stock shall not exceed two hundred thousand dollars.

[Approved by the Governor, April 19, 1837.]

CHAP. CCX.

An Act concerning the Service of Writs.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SEC. 1. Trustee writs shall hereafter be served upon the principal defendant and trustee respectively, in the same manner as is now by law provided for the service of an "original summons without an attachment," in the thirty-ninth section of the ninetieth chapter of the Revised Statutes. ^{Trustee writs, how served.}

SEC. 2. When by a trustee writ returnable before a justice of the peace or police court, any person is summoned as trustee who is liable to be charged as such, and the defendant resides within this Commonwealth, but in a county other than that of the trustee, said writ may run into any county, and be served on the defendant fourteen days at least before its return day, in the same manner as if it had issued from the court of common pleas. ^{—may run into any county, in case, &c.}

[Approved by the Governor, April 19, 1837.]

CHAP. CCXI.

An Act to authorize the extension of the Wharves and Landing Place of the Winnisimmet Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Winnisimmet Company are hereby authorized to extend their wharves, dock and landing place, situated near the foot of Hanover street, in the city of Boston, into and over the tide waters of the harbor, with the same right and privilege of using and occupying the flats within or adjoining their said wharves and structures, when so extended, as they now have of using and occupying the flats within or adjoining the said wharves and structures as they now are : *provided*, that said wharves and structures shall not in any part be extended beyond the line proposed in the report of the commissioners, appointed for the survey of Boston harbor, under a resolve passed March the fifth, in the year one thousand eight hundred and thirty-five, as a limit to the extension of wharves in the city of Boston ; and shall not be built otherwise than on piles within two hundred and twenty-five feet of said line ; *and, provided*, that nothing in this act contained shall in any wise impair or interfere with the private rights of any other person or persons whatsoever.

Company authorized to extend wharves, &c.

Restrictions.

Proviso.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXII.

An Act authorizing Samuel Aspinwall to extend his Wharf.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Samuel Aspinwall, proprietor of a certain wharf in the northerly part of Boston, fronting on Commercial street, and lying between Constitution wharf and the Chelsea ferry-way, is hereby authorized to extend and maintain his said wharf into the harbor channel, as far as the line established by the commissioners for the survey of Boston harbor, appointed under a resolve of the Legislature, passed March fifth, in the year one thousand eight hundred and thirty-five ; and that he shall have the right and privilege of laying vessels at the southeasterly side and the end of said wharf, and of receiving dockage and wharfage therefor : *provided*, that so much of said wharf as shall be erected under this act, shall be built on piles, and that this grant shall in no wise interfere with the legal rights of any person or persons whatever.

Proprietor authorized to extend wharf.

Restrictions.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXIII.

An Act to authorize the Charlestown Wharf Company to extend their wharves.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Company authorized to extend wharves.

The Charlestown Wharf Company, their successors and assigns, are hereby authorized and empowered to extend and maintain their several wharves situate in Charlestown, in the county of Middlesex, and lying between Harris' wharf, and Charles River bridge, into the channel as far as to a line drawn straight from the present easterly corner of the end of Gray's wharf to a point on the said bridge, distant fifty feet from the present end of Austin's wharf; with the right and privilege to lay vessels at the sides and ends of said respective wharves, and receive wharfage and dockage therefor: *provided*, that so much of said wharves respectively as may be constructed in said channel, shall be built on piles: *and provided also*, that nothing herein contained, shall be construed to authorize the proprietors thereof to lessen or injure the rights or property of the owner or owners of any wharf or wharves adjoining any wharf which may be so extended, or the legal rights of any other person or persons whatever.

Restrictions.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXIV.

An Act to repeal the charter of the Nahant Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The act incorporating the president, directors and company of the Nahant Bank, passed the twenty-second day of March, in the year one thousand eight hundred and thirty-three, is hereby repealed. Act repealed. This act shall take effect from and after its passage: When to take effect. *provided*, that nothing in this act shall be so construed as to absolve said corporation, or any director or stockholder thereof, from any liability created by the act hereby repealed. Proviso.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXV.

An Act to change the name of the Third Congregational Society in Beverly.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

From and after the passage of this act, the name of the Third Congregational Society in Beverly, in Name changed.

the county of Essex, shall be changed, and the said society shall be known and called by the name of the Dane Street Society in Beverly; any thing in the act incorporating said society to the contrary notwithstanding.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXVI.

An Act authorizing Robert G. Shaw to extend his Wharf.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Robert G. Shaw, his heirs and assigns, are hereby authorized and empowered to extend and maintain his wharf, formerly called Atkins' wharf, and being the estate next to the northeasterly side of Charles River bridge, in the city of Boston, straight into the harbor channel, as far as to a line drawn southwesterly straight from a point in said channel, at the present westerly corner of Brown's wharf, to the northerly corner of Trull's wharf, and to make such extension of the present width of said Shaw's said estate, or any part thereof; and that said Shaw, his heirs and assigns, shall have and enjoy the right to lay vessels at the end and sides of his wharf, extended as aforesaid, and to receive dockage and wharfage therefor: *provided*, that so much thereof as may be constructed in said channel, shall be built on piles; *and provided*,

Proprietor authorized to extend wharf.

Restrictions.

that nothing herein contained shall be construed to authorize the said Shaw, his heirs or assigns, to lessen or injure the rights or property of the owner or owners of any wharf or wharves adjoining the said estate of said Shaw, or to interfere with the legal rights of any other person or persons whatever.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXVII.

An Act concerning Rogues and Vagabonds.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Any person convicted of either of the offences named in the fifth section of the one hundred and forty-third chapter of the Revised Statutes, instead of being committed to the house of correction, may, at the discretion of the court or magistrate before whom the trial is had, be committed to the work-house, if any there be, established in the town in which said person has a legal settlement: *provided*, Proviso. said town be situated in the county in which the conviction occurs.

Offenders may be committed to work-house.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXVIII.

An Act in addition to an Act incorporating the Proprietors of Malden Bridge.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Rates of toll.

SEC. 1. The rates of toll to be received by said proprietors, from and after the passing of this act, shall be as follows, to wit : for each foot passenger, one cent ; for each man and horse, three cents ; for each horse and cart, or wagon, four cents ; for every team drawn by more than one beast, six cents ; for every sled or sleigh drawn by one beast, five cents ; for every sled drawn by more than one beast, six cents ; for every sleigh drawn by more than one horse, twelve cents ; for each horse and chaise, carryall or buggy wagon, six cents ; for every coach, chariot, phaeton or curricule, twelve cents ; for each horse and neat cattle, not in teams nor rode on, two cents ; and for each sheep or swine, one cent. And said proprietors shall be entitled to receive said tolls, until they shall have been reimbursed and paid the sum of nineteen thousand and five hundred dollars, and also the cost of all necessary repairs, improvement and alterations of said bridge, which shall hereafter be made, and all necessary expenses, including a reasonable compensation to the directors and other officers, together with interest on said sum of nineteen thousand and five hundred dollars, and on said cost of repairs, improvements and altera-

When to revert
to the Common-
wealth.

tions, and on said expenses, at the rate of six per cent. per annum, to be paid quarterly, and that then the said bridge shall revert to and become the property of the Commonwealth, and shall be surrendered by said proprietors, in good repair, and the obligations imposed on the said corporation shall then cease: *provided*, that no interest shall be allowed Proviso. for repairs, improvements and alterations, so far as the same shall have been made by the tolls actually collected and remaining, after deducting therefrom the interest and expenses to which said proprietors may have been entitled.

SEC. 2. Three disinterested persons shall be appointed by the Governor, with advice of the council, as commissioners, who, together with the superintendent of said bridge, shall sanction the repairs which shall be made, and direct how far the bridge shall be improved by being made solid, and audit and settle the accounts for all repairs, improvements and alterations: *provided*, the expenditures for repairs and improvements, in any one year, shall not exceed the whole amount of tolls for that year, without the consent of the directors, unless the said commissioners shall choose to advance an additional sum, in which case it shall be expended as far as it can be done advantageously, and said commissioners shall be entitled to receive from the tolls of the corporation the amount so advanced and expended, with interest thereon at the rate of six per cent. per annum, to be paid quarterly, after the said corporation shall have been first paid the whole amount expended by them for repairs, and alterations, and necessary expenses, and the interest, which may have become due according to the provisions of this act.

Governor to appoint commissioners to audit accounts, &c.

Proviso.

SEC. 3. The said commissioners shall be paid

Commissioners
to be paid for
services by cor-
poration.

for their services by said corporation, and the sum so paid shall be considered a part of the expenses of the same : and when the sum of five thousand dollars shall have been received, over and above said alterations, improvements, repairs, expenses and interest, a dividend of the same shall be made to the stockholders in said corporation, to reduce said principal sum of nineteen thousand and five hundred dollars.

—to advance
money to widen
the draw.

SEC. 4. The said corporation, when required so to do by said commissioners, shall out of funds to be advanced to them, by said commissioners, widen the present draw in said bridge, to the width of thirty-six feet, and maintain the same, until said bridge shall revert to the Commonwealth, as herein provided. And said commissioners shall be repaid by said corporation, one half the sum thus advanced and expended in widening said draw, with legal interest thereon, out of toll to be collected at said bridge, after the said corporation shall have been reimbursed as is herein before provided. And the sum thus to be repaid to said commissioners, shall be considered as part of the expenses to be reimbursed to said corporation, from said tolls, before said bridge shall revert to the Commonwealth, under the provisions of this act.

—to be repaid
out of tolls col-
lected.

The sum paid
com'rs consid-
ered part of ex-
penses.

Fourth section of
former act re-
pealed.

SEC. 5. So much of the fourth section of the act to which this is in addition, as requires the said bridge to be higher than Charles River Bridge, is hereby repealed, and the directors of said corporation are authorized to lower the same, if they shall think it expedient ; and the provisions of said act, so far as the same are inconsistent with the provisions of this act, are hereby repealed.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXIX.

An Act to incorporate the Boston Calico Works.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. David Gould, William Bittle and John Sawin, their associates and successors, are hereby made a manufacturing corporation, by the name of the Boston Calico Works, for the purpose of manufacturing, coloring and printing cottons, silks, and other similar fabrics in the town of Chelsea, in the county of Suffolk, and in the town of Danvers, in the county of Essex ; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

SEC. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of one hundred thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred thousand dollars.

Estate.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXX.

An Act relating to the Nantucket County Commissioners.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Repeal.

So much of the sixth section of the eighty-fourth chapter of the Revised Statutes as relates to county commissioners for the county of Nantucket is hereby repealed.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXXI.

An Act to restore the Trial by Jury, on questions of personal freedom.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Writ of personal
replevin.

SEC. 1. If any person is imprisoned, restrained of his liberty, or held in duress, unless it be in the custody of some public officer of the law, by force of a lawful warrant or other process, civil or criminal, issued by a court of competent jurisdiction, he shall be entitled, as of right, to the writ of person-

al replevin, and to be thereby delivered in the manner hereinafter provided.

SEC. 2. The writ shall be issued from and returnable to the court of common pleas, for the county in which the plaintiff is confined, and shall be issued fourteen days at least before the return day thereof. Writ, when issued, &c.

SEC. 3. It shall be directed to the sheriff of the county, or his deputy, or to any of the coroners thereof, and shall be served by either, to whom it shall be delivered, without delay. —by whom served.

SEC. 4. The said writ shall be in the form following, viz :

COMMONWEALTH OF MASSACHUSETTS.

— ss. *To the sheriff of our county of ———* Form of writ.
(L. s.) *or his deputy, or either of the coroners thereof,*
Greeting.

We command you, that justly and without delay, you cause to be replevied C. D. who (as it is said) is taken and detained at ———, within our said county, by the duress of G. H., that he the said C. D. may appear at our court of common pleas, next to be holden at ———, within our county aforesaid, then and there in our said court to demand right and justice against the said G. H. for the duress and imprisonment aforesaid, and to prosecute his replevin as the law directs :

Provided, the said C. D. shall, before his deliverance, give bond to the said G. H. in such sum as you shall judge reasonable, and with two sureties at the least, having sufficient within your county, with condition to appear at our said court to prosecute his replevin against the said G. H., and to have his

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body there ready to be re-delivered, if thereto ordered by the court; and to pay all such damages and costs as shall be then and there awarded against him. Then, and not otherwise, are you to deliver him. And if the said C. D. be by you delivered at any day before the sitting of our said court, you are to summon the said G. H. by serving him with an attested copy of this writ, that he may appear at our said court to answer to the said C. D.

Witness, L. S. Esq. at B——, the —— day of ——, in the year ——.

A. B. clerk.

Writ not to release prisoner, unless, &c.

SEC. 5. No person shall be delivered from his imprisonment or restraint, by force of such writ, until he shall give bond in the manner expressed in the preceding section; and the bond shall be returned with the writ, in like manner as a bail bond is returned, and shall be left in the clerk's office, to be delivered to the defendant when he shall demand it.

The officer serving writ answerable, &c.

SEC. 6. The officer, who serves the writ, shall be answerable for the insufficiency of the sureties in such bond, in like manner as he is answerable for taking insufficient bail in a civil action.

Plaintiff may recover damages, in case, &c.

SEC. 7. If the plaintiff shall maintain his action, and shall make it appear that he was unlawfully imprisoned or restrained, he shall be discharged, and shall recover his costs of suit against the defendant, as well as damages for the said imprisonment and detention.

Defendant may recover costs, in case, &c.

SEC. 8. If the plaintiff shall not maintain his action, the defendant shall have judgment for his costs of suit, and also for such damages, if any, as he shall have sustained by reason of the replevin.

—when bail for plaintiff, to have judgment for, &c.

SEC. 9. If it shall appear that the defendant is bail for the plaintiff, or is entitled to the custody of

the plaintiff, as his child, ward, servant, apprentice or otherwise, he shall have judgment for a re-delivery of the body of the plaintiff, to be held and disposed of according to law.

SEC. 10. If it shall appear, from the return of the writ of personal replevin, that the defendant has secreted or conveyed away the plaintiff's body, so that the officer cannot deliver him, the court shall, on motion, issue a *capias* to take the defendant's body, and him safely keep, so that he may be had at the then next term of the court, to traverse the return of the said writ of personal replevin; but the defendant may give, and the officer serving the same shall receive bail, as in civil case, for his appearance as aforesaid, in such sum as the officer may judge reasonable.

Court may issue a *capias*, to arrest defendant in case, &c.

SEC. 11. At the term at which the *capias* is returned, the defendant may deny, by plea, the return on the writ of replevin, and if it shall appear, on the trial thereof, that he is not guilty of secreting or conveying away the plaintiff, as set forth in the return, he shall be discharged and recover his costs.

Defendant to be discharged, &c. when not guilty of secreting, &c.

SEC. 12. If the defendant shall not traverse the said return as aforesaid, or if, upon the said traverse, the issue, on trial, shall be found against him, then an *alias writ of capias* shall be issued against him, and he shall thereupon be committed to the common jail, there to remain in close custody until he shall produce the body of the plaintiff, or prove him to be dead; and if the defendant shall suggest such death at any time after committal as aforesaid, then the court shall impanel a jury to try the fact, at the expense of the defendant; and if the death be proved, the defendant shall be discharged.

—if guilty, to be imprisoned until he produces the body.

SEC. 13. If, at any time after such return of

Plaintiff to give bond in case of surrender, &c.

secreation and conveying away as aforesaid, the defendant shall produce the body of the plaintiff in the court to which the writ of personal replevin was returned, or in which the suit is pending, the court shall deliver the plaintiff from restraint, upon his giving bond agreeably to the condition of the writ of personal replevin; and for want of such bond the plaintiff shall be committed, to abide the judgment on the replevin, and in either case the suit shall be proceeded in, as if the plaintiff had been delivered on the writ of personal replevin.

Parties may appeal to the S. J. C.

SEC. 14. Either party may appeal from any judgment upon either of the matters aforesaid to the supreme judicial court, as in common civil actions; and in case of an appeal from the judgments which may be rendered under the writs of *capias* aforesaid, the whole case shall be carried up to the supreme judicial court and be there disposed of, as it ought to have been in the court of common pleas, if there had been no appeal.

Writ may be sued out in behalf of the plaintiff.

SEC. 15. The writ of personal replevin may be sued out by any person for and in behalf of the plaintiff, and may be prosecuted to final judgment, without any express power for that purpose: *provided*, that the person so appearing for the plaintiff, shall, at any time during the pendency of the suit, when required by the court, give security in such manner as the court shall direct, for the payment of all damages and costs that shall be awarded against the plaintiff.

Defendant may be described when name and person is unknown.

SEC. 16. If the name of the defendant, or the person to be delivered, be unknown or uncertain, then in any writ, proceeding, or process under this act, they may respectively be described and proceeded with, as is prescribed in the sixth and

seventh sections of the one hundred and eleventh chapter of the Revised Statutes, in the writ of *habeas corpus*.

SEC. 17. The thirty-eighth section of the one hundred and eleventh chapter of the Revised Statutes, is hereby repealed. Repeal.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXXII.

An Act to change the names of the several persons therein mentioned.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Elizabeth Sprague, a minor, may take the name Suffolk. of Helen Elizabeth Sprague ; John Quincy Adams Conkey, may take the name of John Adams Conkey ; Luke George, may take the name of Albert George ; Charles Johnson, may take the name of Charles Borkley Johnson ; William Hersey, may take the name of William Glover Hersey ; Walter White, may take the name of Franklin John Walter White ; Benjamin Tappan, may take the name of Edward Antill Tappan ; Sarah W. Downey, may take the name of Sarah W. Johnson ; William Hearsey, may take the name of William Barron Hersey ; Matthew Tasker, a minor, may take the name of Matthew Calvert Tasker ; Charles Rhoades Lamson, a minor, may take the name of Charles Lam-

son; Robert Coe Burr, may take the name of De Vere Burr; Jerushee Goodwin Hamilton, may take the name of Melvina Jane Hamilton; Nancy Smith, may take the name of Nancy Babcock; John Smith, may take the name of John Clifton; Martha Ann Smith, a minor, may take the name of Martha Ann Babcock; Maria F. Smith, may take the name of Maria F. Clifton; Joseph Dorr, merchant, may take the name of Joseph Goldthwait Dorr; Isaac Winslow Turn, a minor, may take the name of James W. Chilton; Henry John Stevenson Washburn may take the name of Henry Stevenson Washburn; all of the city of Boston, in the county of Suffolk. Daniel Verry of Danvers, may take the name of Daniel Malcom Verry; Jacob Wiley, Jun. of Lynnfield, may take the name of George William Wiley; Joseph Ober, third of Beverly, may take the name of Joseph Edwards Ober; William Nichols, Jun. of Amesbury, may take the name of William Howard Nichols; William Cox of Lynnfield, may take the name of William Emerson Cox; Eliza Woodberry of Beverly, may take the name of Eliza Augusta Woodberry; Hannah Elizabeth Batchelder a minor, of Danvers, may take the name of Mary Jane Batchelder; Sarah Stanwood of Ipswich, may take the name of Sarah Elizabeth Stanwood; Sarah Rand of West Newbury, may take the name of Sarah Emery Rand; Grover Burnham Perkins of Salem, may take the name of Edward Burnham Perkins; Mary Abbott of Andover, may take the name of Mary James Abbott; Sarah Ashworth of Amesbury, may take the name of Sarah Taylor; Dorothy Pearson Hills of Rowley, may take the name of Laura Ann Hills; William Gardner Endicott of Salem, may take the name of William Crowninshield

Endicott; George Washington Read of Salem, may take the name of George Fox Read; Daniel Sygestrom of Danvers, a minor, may take the name of Daniel Sygestrom Henderson; Lois Peabody Spiller of Rowley, may take the name of Martha Ann Webster; Charles Augustus Warren of Amesbury, may take the name of Nathan Burpee Jewett; Mary Farrington Warren of Amesbury, may take the name of Mary Farrington Jewett; Olwyn Jones of Gloucester, a minor, may take the name of Olwyn Trask Jones; Charles Lewis Newhall may take the name of Charles Lewis Delnow; Martha Jane Newhall may take the name of Martha Jane Delnow; Ellen Maria Newhall may take the name of Ellen Maria Delnow; Hubbard Mortimer Newhall may take the name of Hubbard Mortimer Delnow; and Charles Henry Newhall of Lynn, may take the name of Charles Henry Delnow; John Clark of Salem, may take the name of John Daniel Clark, all of the county of Essex. Francis Albert Leighton of Westford may take the name of Albert Leighton; Mary Ann Brown of Lexington, a minor, may take the name of Mary Ann Gleason; Caleb Symmes, 3d, of Charlestown, may take the name of Caleb Trowbridge Symmes; Albert Lawrence Bull of Concord, may take the name of Albert Chester Lawrence; Rhoda Ann Bull of Concord, may take the name of Rhoda Ann Lawrence; Albert Lawrence Bull of Concord, a minor, may take the name of Albert Chester Lawrence. Caroline Matilda Thayer of Cambridge, may take the name of Caroline Thayer Penniman; Susan A. Raymond of Malden, may take the name of Susan Ann Barrett; George Cook of Cambridge, may take the name of George Lincoln Cook; Mary Adams Ferrell of Framingham, may

Middlesex.

take the name of Mary Barnes Adams ; Thomas Hovey of Cambridge, may take the name of Thomas Green Hovey ; Allen Blood of Medford, may take the name of George Washington Allen ; Sarah Bancroft of Townsend, may take the name of Sarah Proctor ; Caroline Clark of Framingham, a minor, may take the name of Caroline Buckminster Clark ; Charles Brown of Woburn, may take the name of Charles William Stevens ; William Greenough Blood of Woburn, may take the name of William Townsend Perry ; Fanny Vickers of Natick, may take the name of Fanny Wheeler ; all of the county of Middlesex. Matthew Davenport of Boylston, may take the name of James Davenport ; Eunice Tainter of Leominster, may take the name of Elizabeth Eunice Tainter ; John Emery Marsh of North Brookfield, may take the name of John Edward Marshall ; Jarvis Hunting of Hubbardston, may take the name of William Jarvis Parker ; Joseph Park of Milbury, may take the name of Asa Lewis Park ; Isaac Smith, 2d, of Leominster, may take the name of Isaac Warren Smith ; John Park, 2d, of Milbury, may take the name of John William Park ; Elizabeth Maria Keyes of Leominster, may take the name of Maria Caroline Richardson ; William Peck of Royalston, a minor, may take the name of James W. Peck ; Silas Holman, 2d, of Bolton, may take the name of Silas W. Holman ; Salome Fay of Northborough, may take the name of Mary Salome Fay ; William Houghton of Berlin, may take the name of William Addison Houghton ; George Hitchcock of Sturbridge, a minor, may take the name of George Hitchcock Hudson ; John Gleason, 3d, of Worcester, may take the name of John Fiske Gleason ; Charles C. Pinckney of Spencer, may take

the name of Francis Aaron Lyon ; Edwin Norcross of Shrewsbury, may take the name of Henry Wilson ; Roger Phelps of Northborough, may take the name of Henry Rogers Phelps ; all of the county of Worcester. Maria Cowles, daughter of Eleazer Cowles of Amherst, may take the name of Maria Harriet Cowles ; Washington Everleth, George Everleth and Lucy Hinsdale Everleth, of Belchertown, may respectively take the sur-name of Eliot ; Zimri Everleth of the same Belchertown, may take the name of Charles Eliot ; Relief Russell of Hadley may take the name of Jane Russell ; Henry Fay of Ware, may take the name of Charles Brakenridge Fay ; Climene Clapp of Westhampton, a minor, may take the name of Climene Clapp Lyman ; all of the county of Hampshire. Dorcas W. Fisk of Ludlow, may take the name of Elizabeth W. Fisk ; Foster Newell Hitchcock of Brimfield, a minor, may take the name of Foster Newell ; Phineas Crouch of Brimfield, may take the name of James Munroe Clayton ; Ozni Underwood of Springfield, may take the name of Henry Robert Vaille ; all of the county of Hampden. Emily Field of Gill, may take the name of Emily Gratia Field ; Feronia Drusilla Field of Gill, may take the name of Feronia Dwight Field ; Reuel Collier of Northfield, may take the name of Reuel Collier ; John Nash of Northfield, may take the name of John Farnsworth ; Mercy Allen of Gill, may take the name of Sarah M. Allen ; Abel Bullock of Montague, may take the name of Abel Carpinter Adams ; George Kentfield of Montague, may take the name of George Lee Horton ; Rhoda Kentfield of Montague, may take the name of Jane Horton ; Phineas Hemenway, Jr. of Leverett, may take the name of James Phineas

Hampshire.

Hampden.

Franklin.

Norfolk.

Hemenway ; Jonah Ball, Jr. of Shutesbury, may take the name of Jonah Rudolph Ball ; all of the county of Franklin. Nial Bentley of Pittsfield, in the county of Berkshire, may take the name of James Henry Bentley ; Hannah S. Whittemore of Weymouth, may take the name of Augusta Whittemore ; Alfred Tupper of Roxbury, may take the name of Alfred Tupper Gray ; Mary Woodward Tupper, wife of said Alfred, may take the name of Mary Woodward Gray ; Mary Woodward Tupper, a minor, and daughter of said Alfred and Mary, may take the name of Mary Woodward Gray ; Augusta Greenleaf Tupper, daughter of said Alfred and Mary, may take the name of Augusta Greenleaf Gray ; Alfred Greenleaf Tupper, son of said Alfred and Mary, may take the name of Alfred Greenleaf Gray ; Helen Matilda Tupper, minor, daughter of said Alfred and Mary, may take the name of Helen Matild Gray ; Edward Gray Tupper, minor, son of said Alfred and Mary, may take the name of Edward Tupper Gray ; M. Edward Hunt of Braintree, may take the name of Edward Hunt ; James Trickey of Dedham, may take the name of James Lyman ; George Curtis of Roxbury, may take the name of George Scarborough Curtis ; Bezer Keith of Braintree, a minor, may take the name of Bezer Richmond Keith ; all of the county of Norfolk. Hanan Hack Skinner of Taunton, may take the name of Hanan Hack ; William Blackmer, Jr. of New Bedford, may take the name of William Tisdale Blackmer ; George Frederick Wing of Dartmouth, may take the name of George Wing Slocum ; all of the county of Bristol. Louiza Beck of Duxbury, in the county of Plymouth, may take the name of Louisa B. Drew. Mayo Bassett of

Bristol.

Plymouth.

Barnstable.

Yarmouth, in the county of Barnstable, may take the name of Isaac Mayo Bassett; Michael Cook of Provincetown, may take the name of Harvey Cook; Charles Thacher, minor, of Yarmouth, may take the name of Henry Charles Thacher: And the several persons before mentioned, from and after the passing of this act, shall be known and called by the names which, by this act, they are respectively allowed to assume as aforesaid; and said names shall hereafter be considered as their only proper and legal names, to all intents and purposes.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXXIII.

An Act to incorporate the Essex Street Congregational Society.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The proprietors of pews in the Union Church, or Meeting-house so called, in Essex street in the city of Boston, and their successors, are hereby made a corporation, by the name of the Essex Street Congregational Society, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, set forth in the forty-fourth Chapter of the Revised Statutes, and in that part of the twentieth chapter of said statutes, which relates to parishes or religious societies.

Persons incorporated.

SEC. 2. Said corporation may hold real and per- Estate.

sonal estate, the annual income of which, exclusive of their meeting-house, shall not exceed the sum of three thousand dollars; *and provided*, that the income be applied exclusively to parochial purposes.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXXIV.

An Act to restrain Banks from issuing their Notes, otherwise than for immediate circulation.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Forfeiture for issuing Bank notes other than for immediate circulation.

SEC. 1. No bank now incorporated, or which may be hereafter incorporated, within this Commonwealth, shall loan or issue any of its notes or bills, excepting such post notes as are authorized by law, with an express or implied agreement or understanding, that such notes or bills shall be kept from free circulation for a limited time, or that such notes or bills shall not be put into immediate circulation, or that they shall not be returned to the bank for redemption within a limited time; and any bank which shall offend against the provisions of this act, shall forfeit and pay to the use of the Commonwealth a sum not exceeding one half, nor less than one-fourth part of the whole amount loaned or issued contrary to the intent and meaning of this act.

When to take effect.

SEC. 2. This act shall take effect from and after the 1st of May next.

Repeal.

SEC. 3. The act passed April 16th, in the year

eighteen hundred and thirty-six, entitled "an act authorizing banks to borrow money and to issue post notes," is hereby repealed: the repeal to take effect from and after the 1st of February next.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXXV.

An Act to repeal the charter of the Chelsea Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SEC. 1. The act entitled an "act to establish the Chelsea Bank" passed April the sixteenth, in the year one thousand eight hundred and thirty-six, is hereby repealed: *provided*, that nothing in this act shall be so construed, as to absolve the said corporation, or any director or stockholder thereof, from any liability created by the act hereby repealed.

Charter repealed.

Proviso.

SEC. 2. This act shall take effect from and after its passage.

When to take effect.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXXVI.

An Act concerning Rail-road Corporations.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Rail-road corporations may alter course of turnpike road, &c.

SEC. 1. If any rail-road corporation which has been or may be established, shall think proper to alter the course of any turnpike-road, canal, or feeder to any canal, where the same interferes with the convenient location of their rail-road, they may, with the consent of the turnpike or canal corporation, alter the same accordingly.

Turnpike corporations may assign and transfer their franchise to R. R. corp. in case, &c.

SEC. 2. Whenever a turnpike road, or any part thereof, shall interfere with the convenient location of any rail-road, the turnpike corporation may, in pursuance of a vote therefor, at a meeting called for that purpose, assign and transfer their franchise to the rail-road corporation, as to the whole or any part of their turnpike-road, upon such terms as shall be agreed upon between them ; and thereafter all the rights and duties of such turnpike corporation, so far as the same relate to the part of the road so assigned, shall cease and be discontinued ; and the said rail-road corporation may locate their road upon the same ground, or any part thereof, in the same manner as upon any other parts of their route.

Corporations to obtain consent of commissioners.

SEC. 3. No turnpike-road shall be assigned or used for the location of any rail-road, as provided in the preceding section, without the consent in writing of the county commissioners of the county

in which said turnpike, or the part to be assigned, is situated : *provided, however,* that if the said turnpike, or the part to be assigned, shall be located in two or more counties, then the common pleas in either of said counties shall have the same jurisdiction and power in the premises, as are by this section given to the commissioners, when the road to be assigned is situated in but one county.

SEC. 4. When the land or other property of any person is taken, under the provisions of either of the first two sections of this act, he shall be entitled to damages, to be estimated by the commissioners of the county where said property is situated, leaving to the parties respectively the right of appeal, as is provided in the fifty-seventh section of the thirty-ninth chapter of the Revised Statutes.

When land is taken commissioners to estimate damages.

SEC. 5. The annual report, required by the eighty-second section of the thirty-ninth chapter of said Revised Statutes, shall specify under distinct heads, the total amount of capital paid in, the total amount of expenditures during the past year ; specifying the amount of repairs on the road, the amount of repairs on the engines and cars, and the amount of other miscellaneous expenses ; said report shall also state the total amount of receipts during the past year ; specifying the amount received for the transportation of passengers, the amount for the transportation of merchandize, and the amount of other miscellaneous receipts ; also the amount divided during the past year, and the rate per cent. of such dividends.

Specification required in annual report.

SEC. 6. In addition to the annual report required in the preceding section, said corporation shall, when they shall have completed and opened their road for use, make a report under oath, to the legislature, stating the total amount of capital paid in,

Corporation to make a special report.

specifying the amount expended in constructing their road, the amount expended for engines and cars, the amount expended for depots, car-houses and other buildings, and the amount of all other miscellaneous expenses. Said report shall also state the length of the road, the number of planes on said road, with their inclination per mile, the greatest curvature on said road, the average width of the grade, and the manner in which the rails are supported.

Punishment for negligence.

SEC. 7. Whenever any engineer, fireman, or other agent of any rail-road corporation shall be guilty of negligence or carelessness, whereby an injury is done to any person or corporation, he shall upon conviction be punished by imprisonment in the county jail for a term not exceeding twelve months, or by a fine not exceeding one thousand dollars: *provided*, that nothing contained in this section shall exempt the said corporation from an action in damages to any person or corporation sustaining said injury.

Brakemen to be placed upon train.

SEC. 8. No rail-road corporation shall run, or permit to be run upon their road, any train of cars moved by steam power, for the transportation of passengers, unless there shall be placed upon the train one trusty and skilful brakeman to every two cars in said train.

Corporation responsible for injury.

SEC. 9. When any injury is done to a building or other property of any person or corporation, by fire communicated by a locomotive engine of any rail-road corporation, the said rail-road corporation shall be held responsible in damages to the person or corporation so injured, unless the said corporation shall show that they have used all due caution and diligence, and employed suitable expedients to prevent such injury.

SEC. 10. Any rail-road corporation shall have an insurable interest in such property, as is mentioned in the section next preceding, along its route, and may procure insurance thereon in its own name and behalf.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXXVII.

An Act concerning the Returns of Common Schools.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. The school returns required in the sixty-second section of the twenty-third chapter of the Revised Statutes, shall, so far as respects the several schools in each city and town, contain true statements in relation to the following particulars, and shall be made in the following form :

Insurable interest.

Common school returns.

Form of return.

Districts Numbered, or Names of the Schools.	Number of Scholars of all ages in each Common School.		Average attendance in the several Schools.		The number of months ea. school is kept.		Number of Teachers in each school in Summer.		Number of Teachers in each school in Winter.		Wages paid per month, including Board.	
	In the Summer.	In the Winter.	In the Summer.	In the Winter.	Summer term.	Winter term.	Males.	Females.	Males.	Females.	To Males.	To Females.

Answers re-
quired respecting
all the schools.

SEC. 2. The said school returns shall, in addition to the statements required in the preceding section, contain also true answers to the following general inquiries, respecting all the schools kept in each city or town, and shall be in the following form :

Interrogatories.

1. What amount of money is raised by taxes for the support of schools ?

2. What amount of the money raised by taxes is paid for teachers' wages ; including the sums paid for the board of teachers, when paid from the public money ?

3. What amount is raised by voluntary contribution and applied to prolong common schools ; including the value of fuel and board, if contributed ?

4. Are there any academies or private schools ? If any, what number of months is each kept ? And what is the average number of scholars attending each ?

5. What is the estimated amount of money paid for tuition in academies and private schools, kept in the town ?

6. What number of persons are there in the town between the ages of four and sixteen years ?

7. What books are chiefly used for the purposes of instruction in spelling, reading, arithmetic, grammar, geography, history, algebra, and geometry ?

8. Are there any local funds for the support of common schools ? If any, what is their amount ; and what their annual income ?

Repeal and ap-
plication of sec-
tions in 23d ch.
R. S.

SEC. 3. The sixty-third and sixty-fourth sections of the twenty-third chapter of the Revised Statutes, are hereby repealed ; and all reference to those sections contained in other sections of the twenty-third chapter, shall be considered as applying to the first and second sections of this act.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXXVIII.

An Act concerning Lunatics.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. The judges who are authorized by the forty-eighth chapter of the Revised Statutes to commit lunatics to the State Lunatic Hospital, may hear and determine complaints against persons charged as being lunatics, at such times and places as the said judges respectively shall appoint, and whenever request for that purpose shall be made by the person complained against, they shall issue a warrant to the sheriff, or any deputy of the sheriff, in their respective counties, directing such sheriff or deputy to summon a jury of six lawful men, to hear and determine the question whether the person complained against is so furiously mad as to render it manifestly dangerous to the peace and safety of the community that such person should be at large.

Judge may hear and determine complaints against lunatics.

SEC. 2. The said jurors shall be selected in equal numbers from the town in which the trial shall be had and one adjoining town, or from two adjoining towns, as the judges aforesaid respectively shall direct, and the same proceedings shall be had in selecting and empannelling said jury, and they, together with officers and witnesses who shall be in attendance, shall be entitled to such compensation as is prescribed in the twenty-fourth chapter of the Revised Statutes : *provided*, that in the counties of

Empannelling of jury, &c.

Suffolk and Nantucket all the jurors may be taken from the same town.

Oath.

SEC. 3. The said judges respectively shall preside at such trial, and administer to the jury an oath faithfully and impartially to try said issue, and the verdict of the jury shall be final on said complaint.

Deficiency in jury, how filled.

SEC. 4. If there shall not be a full jury of the persons summoned, by reason of challenges or otherwise, the said judges respectively shall cause the officer who summoned the jury, or in his absence the officer attending the jury, to return some suitable person or persons to supply the deficiency, and they shall have the same authority as the supreme judicial court and court of common pleas have by law to enforce the attendance of jurors and witnesses, and to inflict fines for non-attendance.

Expense of trial, &c. how paid.

SEC. 5. The expenses of such trial, including the fees of all necessary witnesses, shall be certified and allowed by the said judges respectively, and paid out of the treasury of the county in which such trial shall be had.

Salaries of officers of the hospital, how paid.

SEC. 6. The salaries of the superintendent, the assistant physician, steward and matron of said hospital, shall be paid quarterly, out of the treasury of the Commonwealth, and warrants shall be drawn therefor, and no charge shall be made against any lunatic, or any person or corporation who shall be liable for his support at said hospital, on account of said salaries.

The word "settlement," how construed.

SEC. 7. The word "settlement," in the ninth section of the said forty-eighth chapter of the Revised Statutes, shall be construed and taken to mean residence, in all adjudications which shall be had thereon: *provided*, that if it shall be made to appear that the lunatic for whom payment is demand-

ed has no settlement within this Commonwealth, the town of his residence shall not be liable for the expense incurred on his account, as provided in said section.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXXIX.

An Act to preserve the Harbor of Boston, and to prevent encroachments therein.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The line hereinafter described, from the Free Bridge in the harbor of Boston to Warren Bridge in said harbor, shall be and the same is hereby established as one of the lines in said harbor, beyond which no wharf or pier shall ever hereafter be extended into and over the tide water of the Commonwealth.

Established line
to preserve the
harbor.

SEC. 2. The said line begins at the east end of the north abutment of the Free Bridge, and runs straight to the southerly corner of Brown's wharf; thence, by the end of the same, and of Wright's four wharves, fronting on the channel, to the east corner of Wright's northeast wharf; thence, on a straight line, to the south corner of Wales' wharf, and by the end to the east angle of the same; thence, from this last point straight to the east corner of Russia wharf; thence to the south angle of Fort Hill wharf straight, and by the end of the wharf to the east

Boundary of
line.

Boundary line.

corner; thence to the south corner of Arch wharf the line is straight; the line then follows the end of the last and Otis' wharf to the east corner of the last; the direction is then straight to the southeast angle of Foster's south wharf; then straight to the south corner of Rowe's wharf. From this point in a straight direction to the south corner of Long wharf; thence straight to the south angle of the advanced part of the said wharf, and by the end of the same to the east corner thereof; thence the line is straight to the east end of Union wharf. From the last point straight to the southeast corner of Battery wharf. Here the three next lines commence to advance further into deep water than the following wharves, to the west corner of Gray's, and are thus drawn through the southeast angle of Battery and the west corner of Gray's wharf; a circular arc is struck; with a radius of twelve hundred feet, and three equal chords of four hundred and seventy feet are drawn upon this arc; then from Battery wharf the line is northerly four hundred and seventy feet, forming an angle of twenty-seven degrees and fifteen minutes with the chord of the said arc. From the end of the last the line is also four hundred and seventy feet long, and parallel with the said chord. From the end of the last mentioned line the line is four hundred and seventy feet to the west corner of Gray's wharf, forming the same angle with the chord of the whole arc as that from Battery wharf. From Gray's the line is straight to the north corner of Vinal's wharf. The line then passes along the end of this and Brown's wharf to the west corner of the last; thence straight crossing Charles River bridge to the northeast corner of Trull's wharf; thence the line is straight to the

south abutment of Warren bridge. Which said line thus described is part of the line reported by commissioners appointed under the resolve, passed the fifth of March, in the year one thousand eight hundred and thirty-five, to survey the harbor of Boston, and by said commissioners drawn and defined on plans by them taken, and deposited in the library, excepting that the line herein described and intended, varies from the line of said commissioners by crossing Charles River bridge in a straight line from Brown's wharf to Trull's wharf, as above expressed.

SEC. 3. No wharf, pier or building, or incumbrance of any kind, shall ever hereafter be extended beyond the said line into or over the tide water in said harbor.

Extension of
wharves, &c.

SEC. 4. No person shall enlarge or extend any wharf or pier, which is now erected on the inner side of said line, further towards the said line than such wharf or pier now stands, or than the same might have been lawfully enlarged or extended before the passing of this act, without leave first obtained from the Legislature.

No wharf, &c.
to be extended,
without leave.

SEC. 5. No person shall in any other part of the said harbor of Boston, belonging to the Commonwealth, erect or cause to be erected any wharf or pier, or begin to erect any wharf or pier therein, or place any stones, wood or other materials in said harbor, or dig down or remove any of the land covered with water at low tide, in said harbor, with intent to erect any wharf or pier therein, or to enlarge or extend any wharf or pier now erected: *provided, however,* that nothing herein contained shall be construed to restrain or control the lawful rights of the owners of any lands or flats in said harbor.

No wharf, &c. to
be erected in
harbor.

SEC. 6. Every person offending against the pro-

Offences, how
punished.

visions of this act, shall be deemed guilty of a misdemeanor, and shall be liable to be prosecuted therefor, by indictment or information, in any court of competent jurisdiction, and on conviction shall be punished by a fine not less than one thousand dollars, nor more than five thousand dollars, for every offence, and any erection or obstruction which shall be made, contrary to the provisions and intent of this act, shall be liable to be removed and abated as a public nuisance, in the manner heretofore provided for the removal and abatement of nuisances on the public highways.

No ashes, &c. to
be thrown into
the harbor.

SEC. 7. No ashes, cinders or other rubbish, or materials of any description shall be put or thrown out of any steam boat in the harbor of Boston above Fort Independence, under a penalty of ten dollars for each offence.

SEC. 8. This act shall go into operation from and after the passing of the same.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXXX.

An Act in addition to an Act to incorporate the Washington Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Capital stock in-
creased.

SEC. 1. The Washington Manufacturing Company, incorporated on the sixteenth day of March,

in the year one thousand eight hundred and thirty-seven, are hereby authorized to increase their capital stock by the addition thereto of real estate not exceeding the amount of twenty thousand dollars, and the said corporation may locate their works in the town of Millbury, in the county of Worcester, any thing in the act to which this is in addition to the contrary notwithstanding.

SEC. 2. This act shall take effect from and after the passage of the same. When to take effect.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXXXI.

An act to authorize the sale of Ministerial Lands by the First Parish in Truro.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The first parish in Truro is hereby authorized to sell several tracts of land owned by said parish, and lying in said town, and the treasurer of said parish, for the time being, is authorized to execute a deed or deeds to convey the same. Authorized to sell land.

SEC. 2. The proceeds of the sale or sales of said land as aforesaid, shall be invested in such manner as said parish shall direct : *provided, however,* that the income only, and no part of the principal, shall be applied for the support of the ministry in said parish. Proceeds, how invested.

When to take
effect.

SEC. 3. This act shall take effect from and after the passage of the same.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXXXII.

An Act authorizing the proprietors of Harris' Wharf to extend the same.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Proprietors au-
thorized to ex-
tend their wharf,
&c.

The Proprietors of the wharf in Charlestown now called and known by the name of Harris' wharf, and lying between Swett's wharf and Gray's Wharf so called, are hereby authorized and empowered to extend and maintain the said wharf straight into the harbor channel, as far as to a line drawn straight from the westerly end of said Swett's wharf, to the easterly end of said Gray's wharf; and the proprietors of the said Harris' wharf shall have and enjoy the right and privilege of laying vessels at the sides and end of their said wharf, and receiving dockage and wharfage therefor: *provided*, that so much of said wharf as may be constructed in said channel shall be built on piles: *and provided*, that nothing herein contained shall authorize the proprietors of said Harris' wharf to interfere with the legal rights of any other person or persons whatever.

Restrictions.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXXXIII.

An Act concerning Auctioneers.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Any auctioneer, appointed according to the provisions of the twenty-ninth chapter of the Revised Statutes, is hereby authorized and empowered to sell at public auction, in any town within his county, any thing in the said twenty-ninth chapter to the contrary notwithstanding.

Auctioneer may
sell in any town
within his county.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXXXIV.

An Act authorizing James Ingersoll to extend his Wharf.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

James Ingersoll, proprietor of a certain wharf in the northerly part of Boston, fronting on Commercial street, and lying between Vinal's wharf and Chamberlin's wharf, is hereby authorized to extend and maintain his said wharf into the harbor channel,

Proprietor may
extend his
wharf, &c.

Restriction.

as far as the line established by the commissioners for the survey of Boston harbor, appointed under a resolve of the legislature, passed March fifth in the year one thousand eight hundred and thirty-five; and that he shall have the right and privilege of laying vessels at the sides and the end of said wharf, and of receiving dockage and wharfage therefor: *provided*, that so much of said wharf as shall be erected under this act shall be built on piles, and that this grant shall in no wise interfere with the legal rights of any person or persons whatever.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXXXV.

An Act to repeal the Charter of the Salem and Boston Stage Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Company's charter repealed.

SEC. 1. An act entitled an act to incorporate the Salem and Boston Stage Company, passed on the fourth day of March in the year one thousand eight hundred and twenty-nine, is hereby repealed: *provided*, that nothing in this act shall be so construed as to absolve the said corporation, or any director, or stockholder thereof, from any liability created by the act hereby repealed.

Proviso.

When to take effect.

SEC. 2. This act shall take effect ninety days after its passage.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXXXVI.

An Act concerning Depositions.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Any witness, not having his place of abode in this state, but being at the time herein, may be summoned and compelled to give his deposition at any place within ten miles of the place at which the summons is served upon him, in the like manner, and under the same penalties, as he may be summoned and compelled to attend as a witness in any court.

Witness may be summoned to give his deposition.

[Approved by the Governor, April 19, 1837.]

CHAP. CCXXXVII.

An Act to alter the location of the Massachusetts
Hemp Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Massachusetts Hemp Company is hereby authorized to locate the same in the town of Roxbury, in lieu of the city of Boston.

Location changed.

[Approved by the Governor, April 20, 1837.]

CHAP. CCXXXVIII.

An Act relating to Alien Passengers.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Authorized officers to examine into the condition of passengers.

SEC. 1. When any vessel shall arrive at any port or harbor within this State, from any port or place without the same, with alien passengers on board, the officer or officers whom the mayor and aldermen of the city, or the selectmen of the town where it is proposed to land such passengers, are hereby authorized and required to appoint, shall go on board such vessel and examine into the condition of said passengers.

To require bonds, in case, &c.

SEC. 2. If, on such examination, there shall be found among said passengers, any lunatic, idiot, maimed, aged or infirm persons, incompetent in the opinion of the officer so examining, to maintain themselves, or who have been paupers in any other country, no such alien passenger shall be permitted to land, until the master, owner, consignee or agent of such vessel shall have given to such city or town, a bond in the sum of one thousand dollars, with good and sufficient surety, that no such lunatic or indigent passenger shall become a city, town or state charge, within ten years from the date of said bond.

Boarding officer to require § 2 for each passenger landed.

SEC. 3. No alien passengers, other than those spoken of in the preceding section shall be permitted to land until the master, owner, consignee or agent of such vessel shall pay to the regularly appointed

boarding officer, the sum of two dollars for each passenger so landing ; and the money so collected shall be paid into the treasury of the city or town, to be appropriated as the city or town may direct for the support of foreign paupers.

SEC. 4. The officer or officers required in the first section of this act, to be appointed by the mayor and aldermen, or the selectmen respectively, shall from time to time notify the pilots of the port of the said city or town, of the place or places where the said examination is to be made, and the said pilots shall be required to anchor all such vessels at the place so appointed, and require said vessels there to remain till such examination shall be had ; and any pilot who shall refuse or neglect to perform the duty imposed upon him by this section, or who shall through negligence or design permit any alien passenger to land before such examination shall be had, shall forfeit to the city or town a sum not less than fifty, nor more than two thousand dollars.

Pilots required to anchor vessels at place appointed.

Forfeiture in case of neglect, &c.

SEC. 5. The provisions of this act shall not apply to any vessel coming on shore in distress, or to any alien passengers taken from any wreck where life is in danger.

Act not to apply to vessels in distress, &c.

SEC. 6. The twenty-seventh section of the forty-sixth chapter of the Revised Statutes is hereby repealed ; and the twenty-eighth and twenty-ninth sections of the said chapter, shall relate to the provisions of this act, in the same manner as they now relate to the section hereby repealed.

Repeal and application of sections.

SEC. 7. This act shall take effect from and after the passage of the same.

When to take effect.

[Approved by the Governor, April 20, 1837.]

CHAP. CCXXXIX.

An Act to reduce the rate of damages on Inland Bills of Exchange.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Rates of Exchange.

SEC. 1. The third section of the thirty-third chapter of the Revised Statutes is hereby so far amended, as that damages on inland bills of exchange, drawn after the passage of this act, shall be reduced from the rates therein specified to the following, that is to say : on bills payable in the States of Maine, New Hampshire, Vermont, Rhode Island, Connecticut and New York, two per cent. ; on bills payable in New Jersey, Pennsylvania, Maryland, Delaware, three per cent. ; on bills payable in Virginia and the District of Columbia, North Carolina, South Carolina and Georgia, four per cent. ; and if payable elsewhere, within any other of the United States or the territories thereof, five per centum.

When to take effect.

SEC. 2. This act shall take effect from and after the passing of the same.

[Approved by the Governor, April 20, 1837.]

CHAP. CCXL.

An Act concerning the Militia.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. Every able bodied white male citizen resident within this Commonwealth, who is, or shall be, of the age of eighteen, and under the age of forty-five years, excepting idiots, lunatics, common drunkards, vagabonds, paupers and persons convicted of any infamous crime, shall be enrolled in the militia, and be included in the military returns: *provided*, that nothing herein contained shall be so construed as to render any of the exempts mentioned in the first, second and third sections of the twelfth chapter of the Revised Statutes, liable to do military duty otherwise than is therein provided.

All persons between 18 and 45 to be enrolled, except, &c.

SEC. 2. Division inspectors and division quartermasters shall hereafter be appointed by the respective major generals, and approved by the commander in chief.

Division inspectors and quartermasters, how appointed.

SEC. 3. The commissions of all staff officers, appointed by any commanding officer, shall expire after the commanding officer shall be discharged or vacate his commission, as soon as his successor is commissioned.

Staff commissions; when they expire.

SEC. 4. The adjutant general shall annually in the month of February, lay before the governor and council, for adjustment, an account of all expenditures of money made by him, as adjutant general

Acting quartermaster general's expenditures; how examined and settled.

and acting quartermaster general, with vouchers to support the same; and such accounts shall be settled by the governor and council.

Military returns,
how made.

SEC. 5. The military returns shall continue to be made, as provided in the thirty-first and thirty-second sections of the twelfth chapter of the Revised Statutes, excepting, that every commanding officer of a brigade shall make and transmit returns of the state of his brigade, to the commanding officer of the division to which he belongs, in the month of July annually; and every commanding officer of such division shall make and transmit returns of the state of his division, to the adjutant general in the month of August annually. And the penalty for neglecting to make the returns as provided for in the thirty-first and thirty-second sections of the twelfth chapter of the Revised Statutes, and in this section, shall be as follows:—

Penalty for neglecting to make returns.

Penalty of commanders of companies.

Every captain or commanding officer of a company, who shall neglect to make returns, for each instance of such neglect, ten dollars.

—of commanders of regiments and battalions.

Every commanding officer of a regiment or separate battalion, who shall neglect to make returns, for each instance of such neglect, twenty five dollars.

—of commanders of brigades.

Every commanding officer of a brigade, who shall neglect to make returns, for each instance of such neglect, fifty dollars.

—of commanders of divisions.

Every commanding officer of a division, who shall neglect to make returns, for each instance of such neglect, seventy-five dollars.

—of brigade majors.

Every brigade major and inspector who shall neglect to make returns, for each instance of such neglect, fifty dollars.

Fines and forfeitures; how prosecuted for, and how disposed of.

The above fines and forfeitures to be prosecuted for by the officer to whom the respective returns

should be made, in any court of competent jurisdiction, and paid into the treasury of the Commonwealth.

SEC. 6. So much of the one hundred and fourteenth section of the twelfth chapter of the Revised Statutes as requires clerks of companies to make annual returns to the brigade majors, and the brigade majors to the commander in chief; and so much of the fifty-eighth section of the twelfth chapter of the Revised Statutes as requires a majority of the qualified voters of the company to be present, at an election of officers, is hereby repealed, and a majority of the legal voters present at any company election, duly notified, may elect company officers.

Certain provisions of R. S. repealed.

Majority of legal voters may elect, &c.

SEC. 7. No non-commissioned officer or private of any company raised at large, shall be required to perform military duty in the standing company within whose limits he resides: *provided*, that when notified of his enrolment in such standing company, or otherwise requested, he shall produce within ten days, to the commanding officer of such standing company a certificate from the commanding officer of his own company, that he is a member thereof; and if any such non-commissioned officer or private remove out of the limits within which his company is raised, he shall continue to be a member thereof.

Members of volunteer companies to produce a certificate, when, &c.

SEC. 8. The division inspector of each division shall constantly keep a correct roster of the division to which he belongs, and an orderly book, in which he shall record all orders received and issued; and he shall receive annually the same compensation which is now by law allowed to the oldest aid-de-camp of each major general; and so much of the twenty-seventh section of the twelfth chapter of the Revised Statutes, as provides that the oldest aid-de-

Division inspectors to keep roster and orderly book; how compensated.

April 20, 1837.

camp of each major general shall keep such roster and orderly book, is hereby repealed.

Fines of members of volunteer companies; how collected and disposed of.

SEC. 9. All fines and forfeitures incurred by the members of volunteer companies, may be collected by such persons and disposed of in such manner, for the benefit of said companies, as a majority of the members thereof may determine.

Towns to provide powder, &c. when required by commander in chief.

SEC. 10. Whenever, in the opinion of the commander in chief it shall be necessary, he shall issue his proclamation, requiring all towns to provide and deposit in some suitable and convenient place therein, sixty-four pounds of good powder; one hundred pounds of musket balls, each of the eighteenth part of a pound; one hundred and twenty-eight flints suitable for muskets; three copper, iron or tin camp-kettles, for every sixty-four soldiers enrolled in said town; and the same proportion of the aforesaid articles for a greater or less number, and so to keep the same, until he shall by proclamation declare the same no longer necessary.

Fines for towns neglecting to provide, &c.

Any town which shall neglect to provide and keep deposited all or any of the aforesaid articles as above required, shall forfeit the sum provided in the one hundred and sixth section of the twelfth chapter of the Revised Statutes.

The 46th and 47th sections, &c. repealed.

SEC. 11. The forty-sixth and forty-seventh sections of the twelfth chapter, and all other provisions of the Revised Statutes, which are inconsistent with this act, are hereby repealed.

[Approved by the Governor, April 20, 1837.]

CHAP. CCXLI.

An Act relating to Common Schools.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. His Excellency the Governor with the advice and consent of the Council, is hereby authorized to appoint eight persons, who together with the governor and lieutenant governor *ex officiis*, shall constitute and be denominated the Board of Education ; and the persons so appointed shall hold their offices, for the term of eight years : *provided*, the first person named in said board shall go out of office at the end of one year, the person next named, shall go out of office at the end of two years, and so of the remaining members, one retiring each year and in the order in which they are named, till the whole board be changed, and the governor with the advice and consent of the council as aforesaid, shall fill all vacancies in said board, which may occur from death, resignation or otherwise.

The governor together with eight persons, by him appointed, to constitute the board of education.

SEC. 2. The board of education, shall prepare and lay before the legislature in a printed form on or before the second Wednesday of January annually, an abstract of the school returns received by the secretary of the Commonwealth, and the said board of education, may appoint their own secretary, who shall receive a reasonable compensation for his services not exceeding one thousand dollars per annum, and who shall under the direction of the board col-

Duty of the board of education.

lect information of the actual condition and efficiency of the common schools and other means of popular education ; and diffuse as widely as possible throughout every part of the Commonwealth, information of the most approved and successful methods of arranging the studies and conducting the education of the young, to the end that all children in this Commonwealth, who depend upon common schools for instruction, may have the best education which those schools can be made to impart.

Board to make
annual report to
legislature.

SEC. 3. The board of education annually, shall make a detailed report to the legislature of all its doings, with such observations, as their experience and reflection may suggest upon the condition and efficiency of our system of popular education, and the most practicable means of improving and extending it.

Secretary's salary.

SEC. 4. For the salary of the secretary of the board of education, provided for in the second section of this act, the governor is authorized to draw his warrants from time to time, as the same may be required.

[Approved by the Governor, April 20, 1837.]

CHAP. CCXLII.

An Act concerning Licensed Houses, and the sale of Intoxicating Liquors.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. No licensed innholder, or other person, shall sell any intoxicating liquor on Sunday, on pain of forfeiting twenty dollars for each offence, to be recovered in the manner and for the use provided in the twenty-sixth section of the forty-seventh chapter of the Revised Statutes.

Penalty for selling intoxicating liquors on Sundays.

SEC. 2. Any license to an innholder or common victualler may be so framed as to authorize the licensed person to keep an inn or victualling-house, without authority to sell any intoxicating liquor, and no excise or fee shall be required for such license : *provided*, that nothing contained in this act, or in the forty-seventh chapter of the Revised Statutes, shall be so construed as to require the county commissioners to grant any licenses, when in their opinion, the public good does not require them to be granted.

License, without authority to sell : intoxicating liquors.

SEC. 3. Any person who shall have been licensed according to the provisions of the forty-seventh chapter of the Revised Statutes, or of this act, and who shall have been twice convicted of a breach of this act, or of that chapter, shall, on such second conviction, in addition to the penalties prescribed for such offence, be adjudged to have forfeited his license.

Licensed persons to forfeit their license on second conviction.

—on third conviction to be imprisoned, not exceeding ninety days.

SEC. 4. Any person who shall have been three times convicted of a breach of this act, or of the forty-seventh chapter of the Revised Statutes, shall, upon such third conviction, in addition to the penalties in this act and said chapter provided, be liable to be imprisoned in the common jail, for a time not exceeding ninety days, at the discretion of the court before whom the trial may be had.

Secretary directed to publish laws relating to innholders, retailers and licensed houses.

SEC. 5. The secretary of this Commonwealth, shall cause a condensed summary of all laws relating to innholders, retailers and licensed houses, to be printed for the use of this Commonwealth, and he shall supply the county commissioners for the several counties, and such other officers as by law are authorized to grant licenses with the same; and the said commissioners or other officers, whenever they grant any license shall furnish each person so licensed, with one copy of said license laws, to the end that such person may know to what duties, restrictions and liabilities, he is subjected by law.

[Approved by the Governor, April 20, 1837.]

CHAP. CCXLIII.

An Act to change the name of the Warren Bank in Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Name changed.

SEC. 1. The corporation by the name of "The President, Directors and Company of the Warren

Bank," created by an act passed April ninth, one thousand eight hundred and thirty-six, and located in the city of Boston, shall hereafter be known by the name of "The President, Directors and Company of the Shawmut Bank:" *provided*, that this act shall not absolve the said corporation, or any director or stockholder thereof, from any liability created by the act establishing the said Warren Bank.

SEC. 2. This act shall be void unless the same shall be accepted by the stockholders of said corporation, at a legal meeting called for that purpose, on or before the first day of July next.

This act void,
unless, &c.

[Approved by the Governor, April 20, 1837.]

CHAP. CCXLIV.

An Act concerning the Public Health.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Whenever any person, coming from abroad, or residing in any town in this state, shall be infected, or shall lately before have been infected, with the plague, small pox, or other sickness dangerous to the public health, the Board of Health of said town shall make effectual provision in the manner which they shall judge best for the safety of the inhabitants, by removing such sick or infected person to a separate house, or otherwise, and by providing nurses and other assistance and necessities ;

Board of health
to make necessary
provisions for
persons infected
with dangerous
diseases.

April 20, 1837.

which shall all be at the charge of the person himself, his parents or master, if able, otherwise, at the charge of the town to which he belongs; and in case such person is not an inhabitant of any town in this state, then at the charge of the Commonwealth.

Board of Health
to provide hospital
or other place
for the sick.

SEC. 2. When the small pox, or any other disease dangerous to the public health, shall break out in any town, the board of health thereof shall immediately provide such hospital or place of reception for the sick and infected as they shall judge best for their accommodation, and the safety of the inhabitants; and such hospitals and places of reception shall be subject to the regulations of the said board of health in the same manner, as is provided in the case of established hospitals, by the twenty-first chapter of the Revised Statutes; and the said board of health may cause such sick and infected persons to be removed to such hospitals or places of reception, unless the condition of the sick or infected person be such as not to admit of his removal without danger to his health, in which case the house or place where such person shall remain, shall be considered as a hospital to every purpose aforesaid, and all persons residing in, or in any way concerned with the same, shall be subject to the regulations of said board of health, as before provided.

— may cause
sick and infected
persons to be re-
moved to hospi-
tal.

Repeal.

SEC. 3. The sixteenth and fortieth sections of the twenty-first chapter of the Revised Statutes are hereby repealed.

[Approved by the Governor, April 20, 1837.]

CHAP. CCXLV.

An Act in further addition to an act to incorporate the Proprietors of Malden Bridge.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The act passed the present session, in addition to an act to incorporate the Proprietors of Malden Bridge, shall take effect from and after the passing hereof.

Act, when to take effect.

[Approved by the Governor, April 20, 1837.]

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, MAY 9, 1837.

I HEREBY CERTIFY, that I have compared the printed copy of the Acts contained in this Pamphlet, with the Original Acts, as engrossed on parchment, and passed by the Legislature, and find the same to be correct.

JOHN P. BIGELOW,

Secretary of the Commonwealth.

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L A W S

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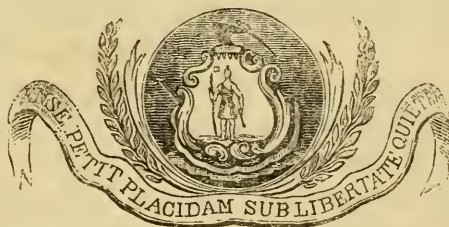
Commonwealth of Massachusetts,

PASSED BY THE GENERAL COURT,

AT THE SESSION WHICH COMMENCED ON WEDNESDAY, THE THIRD OF JANUARY,
AND ENDED ON WEDNESDAY, THE TWENTY-FIFTH OF APRIL, ONE
THOUSAND EIGHT HUNDRED AND THIRTY-EIGHT.

PUBLISHED BY THE SECRETARY OF THE COMMONWEALTH,

Agrecably to a Resolue of the sixteenth January, 1812.



Boston:

DUTTON AND WENTWORTH, PRINTERS TO THE STATE.

1838.

X

L A W S

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PASSED BY THE GENERAL COURT,

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ONE THOUSAND EIGHT HUNDRED AND THIRTY-EIGHT.

CHAP. I.

An Act to incorporate the Robbins Cordage Com-
pany.

BE *it enacted by the Senate and House of Rep-
resentatives, in General Court assembled, and by the
authority of the same, as follows :*

SEC. 1. Josiah Robbins, B. F. Copeland, and Benjamin Rich, their associates and successors, are hereby made a corporation, for the purpose of manufacturing cordage in the town of Plymouth, in the county of Plymouth ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorpo-
rated.

Estate.

SEC. 2. The said company may hold, for the purposes aforesaid, real estate to the amount of forty thousand dollars; and the whole capital stock of said company shall not exceed seventy-five thousand dollars.

[Approved by the Governor, January 26, 1838.]

CHAP. II.

An Act relating to Wills of Personal Estate.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Condition

Any will of personal estate, executed before the first day of May, in the year eighteen hundred and thirty-six, in conformity with the law existing at the time of the execution thereof, shall be effectual to pass such estate ; any thing in the sixth section of the sixty-second chapter of the Revised Statutes to the contrary notwithstanding.

[Approved by the Governor, January 26, 1838.]

CHAP. III.

An Act to continue in force "An Act to incorporate the Salem Commercial Insurance Company."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

To continue in force for twenty years.

The act entitled "An Act to incorporate the Salem Commercial Insurance Company," shall be, and remain in force for the term of twenty years, from

the twelfth day of June next; and the said corporation shall be continued during that term, and shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes.

[Approved by the Governor, January 27, 1838.]

CHAP. IV.

An Act concerning the West Stockbridge Rail-road Corporation.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The act incorporating the West Stock-
bridge Rail-road Corporation, passed April fifth, one
thousand eight hundred and thirty-six, is hereby re-
vived and continued in force; any thing in the fourth
section of said act to the contrary notwithstanding.

Act revived.

SEC. 2. The time for organizing said corporation,
filing the location, and completing their road, shall
be extended one year from the times mentioned in
the fourth section of said act.

Time extended.

[Approved by the Governor, January 27, 1838.]

CHAP. V.

An Act to incorporate the Roxbury Wool and Worsted Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SEC. 1. John B. Jones, Francis W. R. Emery, and Benjamin Sewall, and their associates and successors, are hereby made a corporation, by the name of the Roxbury Wool and Worsted Company, for the purpose of cleaning wool and manufacturing woollen and worsted goods in the town of Roxbury, and county of Norfolk ; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of twenty-five thousand dollars ; and the whole capital stock of said corporation shall not exceed one hundred thousand dollars.

[Approved by the Governor, February 12, 1838.]

CHAP. VI.

An Act to incorporate the Millbury Paper Mills.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. Leonard Pierce, James Phelps, and

George Sabin, and their associates and successors, Persons incorporated. are hereby made a corporation, by the name of the Millbury Paper Mills, for the purpose of manufacturing paper in the town of Millbury, in the county of Worcester, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SEC. 2. The said corporation may hold, for the Estate. purpose aforesaid, real estate to the amount of fifteen thousand dollars ; and the whole capital of said corporation shall not exceed the sum of fifty thousand dollars.

[Approved by the Governor, February 12, 1838.]

CHAP. VII.

An Act to establish a Fire Department in the town of Nantucket.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The inhabitants of Nantucket qualified Firewards to be chosen. to vote in town affairs, at their annual meeting for the choice of town officers, shall choose by ballot a number of persons, not exceeding twenty, to be firewards, who shall hold their office until others are chosen and organized in their stead ; and said firewards shall have all the powers, perform all the duties, and be liable to all the penalties attached to the office of firewards by the laws of this Commonwealth ; and vacancies in the board of firewards of said town may be filled at any legal meeting called for that purpose.

Organization of
Board of Fire-
wards.

SEC. 2. Said firewards shall, within three days after their acceptance of the trust, meet at such time and place as the town clerk of said town shall appoint, and shall organize themselves into a board, by the choice of a chairman, and shall appoint a clerk, who shall record the proceedings of the board.

Duties.

SEC. 3. Said board shall have all the powers and perform all the duties relative to the appointment of enginemen, which the selectmen of said town have heretofore by law had and performed; and all persons appointed by said board, pursuant to this act, shall be subject to the same duties, and entitled to the same privileges and exemptions as enginemen are now subject and entitled to by law.

Same.

SEC. 4. The said board of firewards are hereby authorized to appoint such a number of men to the engines, hose, hook and ladder, and sail carriages, as they shall deem expedient; and in addition to the enginemen aforesaid, they may appoint such number of other persons, as they may deem expedient, to be called relief enginemen, whose duty it shall be to attend their respective engines only at fires, and whose appointment shall not entitle them to the privileges to which enginemen are by law entitled. Said board shall appoint three of their number as general directors, who shall have the general direction of all the operations at fires.

Engine compa-
nies, &c., to be
formed.

SEC. 5. The said engine, hose, hook and ladder, and sail-carriage men, are authorized to organize themselves into distinct companies, to elect captains, clerks, and other necessary officers, to establish such rules and regulations as may be approved by the board of firewards, and to annex penalties to the breach of the same; and said penalties may be sued for and recovered by the clerk of the respective com-

panies so organized, before any court of competent jurisdiction, to the use of such companies respectively: *provided*, that no penalty shall exceed the sum of ten dollars: *and provided further*, that such rules and regulations be not repugnant to the constitution and laws of this Commonwealth.

SEC. 6. The said board of fire-wards shall have the care and superintendence of the engine buildings, fixtures and appurtenances thereof, and the engines, hose, fire-hooks, ladder and sail carriages, and other fire apparatus, owned by said town of Nantucket, and shall cause the same to be kept in repair, and when worn out, to be replaced, and shall make such alterations therein, and additions thereto, as they shall deem necessary: *provided*, that the expense of such additions, alterations and repairs shall not exceed, in any one year, three hundred dollars, unless said town shall have authorized a greater expense therefor.

Fire-wards to have care of engines, &c.

SEC. 7. The said board of fire-wards may establish such rules and ordinances as they may judge proper to prohibit or regulate the carrying of fire, fire-brands, lighted matches, or any other ignited materials, openly in the streets and thoroughfares of said town, or in such parts thereof as they may designate, and to prohibit any owners or occupants of any building within said town, or such parts thereof as they may designate, from erecting or maintaining any defective chimney, hearth, oven, stove, or stove-pipe, fire-frame, or other fixture, or of making any deposit of ashes, or other materials, which may be the means of kindling or spreading fire, or of giving just cause of alarm: *provided*, that such rules and ordinances shall not be repugnant to the constitution and laws of the Commonwealth: *and provided*, they

May establish rules, by-laws, &c.

Provisos.

shall not be binding until the same shall have been approved by the inhabitants of said town, in legal meeting held for that purpose, and shall have been published in some newspaper printed in Nantucket. And said board of fire-wards may annex suitable penalties to the breaches of any of said rules and ordinances, not exceeding twenty dollars for any one breach thereof; and the same shall be sued for and recovered by the town clerk of said town, in his own name, before any court of competent jurisdiction, and applied to the improvement of the fire apparatus of said town.

When to take effect.

SEC. 8. All former laws inconsistent with the provisions of this act, are hereby repealed, and this act shall take effect from and after the annual town meeting of said town for the choice of town officers, for the year eighteen hundred and thirty-eight.

[Approved by the Governor, February 13, 1838.]

CHAP. VIII.

An Act in addition to An Act to incorporate the Charlestown Mutual Fire Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

May insure personal property.

The Charlestown Mutual Fire Insurance Company, in the town of Charlestown, is hereby authorized and empowered, in addition to the privileges granted it by the act of March twenty-third, in the year one thousand eight hundred and thirty-six, to make insurance upon stock, tools, furniture, and other personal property within this Commonwealth: *provided*, that at a legal meeting of the members of said

company, called for the purpose, a majority of those in interest shall vote to accept the same.

[Approved by the Governor, February 13, 1838.]

CHAP. IX.

An Act to aid the construction of the Western Railroad.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The treasurer of the Commonwealth is hereby authorized and directed to issue scrip or certificates of debt, in the name and in behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, for the sum of two millions, one hundred thousand dollars, which may be expressed in the currency of Great Britain, and shall be payable to the bearer thereof in London, and bearing an interest of five per cent. per annum, payable semi-annually in London, on the first days of April and October, with warrants for the interest attached thereto, signed by the treasurer ; which scrip or certificates shall be redeemable in London at the end of thirty years from the date thereof ; and in no case exceeding thirty years from the first day of April, in the year one thousand eight hundred and thirty-nine ; and shall be countersigned by the Governor of the Commonwealth, and be deemed a pledge of the faith and credit of the Commonwealth, for the redemption thereof. And the treasurer of the Commonwealth shall, under the conditions herein-after provided, deliver the same to the treasurer of the Western Rail-

Scrip to be issued.

road Corporation, for the purpose of enabling said corporation to complete the Western Rail-road.

When, and on
what conditions.

SEC. 2. When the said corporation shall have received, to be expended in the construction of said road, the one half of the fifth assessment of five per cent. upon the stock held by private stockholders, and shall have filed a certificate thereof in the office of the treasurer of the Commonwealth, signed by the directors of said corporation, then the said fifth assessment on the shares of said stock owned by the Commonwealth shall be paid; any thing in the "act in aid of the Western Rail-road Corporation," passed April fourth, in the year one thousand eight hundred and thirty-six, to the contrary notwithstanding. And the scrip or certificates of debt for the one half of the amount authorized by the first section of this act, shall be thereafter delivered to the treasurer of said corporation. And when the said corporation shall have received, to be expended as aforesaid, upon the said fifth assessment, seventy-five per cent. of the amount thereof due from the private stockholders, and also upon the sixth assessment of five per cent. upon their stock, seventy-five per cent. of the amount thereof so due from the private stockholders, and shall have filed a certificate thereof as aforesaid, then the said sixth assessment on the shares of said stock owned by the Commonwealth shall be paid, and the scrip or certificates of debt for the remaining part of the amount thus authorized, shall be thereafter delivered to the treasurer of said corporation: *provided, however*, that said scrip shall not be thus delivered in larger sums than three hundred thousand dollars at one time; and after the delivery of the first three hundred thousand dollars of said scrip, the residue thereof shall not be delivered to said treasurer.

Proviso.

er, until it shall be made to appear, to the satisfaction of the Governor and Council, that at least two thirds of the proceeds of the scrip previously delivered, shall have been faithfully expended or appropriated for the construction of said road, or providing engines, cars, and other appurtenances thereof. And if said corporation shall give security, to the satisfaction of the Governor and Council, for the payment of any part of the assessments, in this section required to be made, such security shall be deemed to be equivalent to the payment of the amount so secured.

SEC. 3. The premium or profits on the sales of said scrip or certificates of debt, shall, when received, be paid by said corporation to the treasurer of the Commonwealth; and after the said road shall be opened for use, a sum equal to one per cent. on the amount of said scrip thus issued, shall be annually set apart from the income of said road, and paid to said treasurer; and the whole thereof shall be by him placed at interest, and the same, with the interest annually accruing thereon, shall constitute a sinking fund for the future purchase or final redemption of said scrip.

Premiums to be paid to the Treasurer, &c.

SEC. 4. The said corporation shall, during the year one thousand eight hundred and thirty-eight, and as soon as the same can conveniently be done, commence the construction of such part of said road lying between Springfield and Pittsfield, as will require the longest time for its completion, and prosecute the same in such manner as to secure the completion of the whole road from Springfield to the western line of the state, as early as is practicable, with a due regard to economy. And no part of the funds of said corporation shall be appropriated

Time of commencing a certain part of the road, &c.

to the construction of any branch of the road, until the completion of the main line thereof. But if the directors judge it best for the interest of the public and of the corporation, they may construct, or authorize others to construct under them, a branch from their main road to the village of West Stockbridge.

Bond to be given
to the State.

SEC. 5. No part of said scrip shall be delivered to the treasurer of said corporation until said corporation, at an annual meeting, or at a special meeting duly notified for that purpose, shall have assented to the provisions of this act, and shall have executed to the Commonwealth a bond, in such form as the attorney general shall prescribe, conditioned that said corporation shall comply with the requisitions of this act, and shall faithfully expend the proceeds of said scrip in the construction of their road, and shall indemnify and save harmless the Commonwealth from all loss or inconvenience on account of said scrip or certificates of debt, and that said corporation shall and will pay the principal sum of the said scrip or certificates which may be delivered to their treasurer, punctually in London, when the same shall become due, or such part thereof as the sinking fund aforesaid may prove insufficient to pay, and the interest thereon, semi-annually, in London, as the same shall fall due; and shall also convey to the Commonwealth, by a suitable instrument to be prepared for that purpose, under the direction of the attorney general, their entire road, with its income, and all the franchise and property to them belonging, as a pledge or mortgage to secure the performance of all the conditions of said bond: *provided*, that the Commonwealth shall not take possession of said pledged or mortgaged property, unless for a substantial breach of some condition of said bond.

SEC. 6. Nothing in this act contained shall be construed to impair or lessen the right of the Commonwealth to purchase the said rail-road, and all the franchise, property, rights and privileges of said corporation, on the terms and conditions contained in their act of incorporation. And if, on said purchase, the Commonwealth shall have paid, or shall pay or assume to pay said scrip, or any part thereof, the amount which they shall have so paid, or shall pay or assume, shall not be deemed to be a part of the cost of the road, for which the Commonwealth shall pay interest on said purchase, within the provisions of said act of incorporation.

Right of the State to purchase the road, &c.

SEC. 7. This act shall take effect from and after its passage.

[Approved by the Governor, February 21, 1838.]

CHAP. X.

An Act to incorporate the Wrentham Mining Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. David A. Fisher, Howard Mann, and Benjamin H. Cheever, and their successors, are hereby made a corporation by the name of the Wrentham Mining Company, for the purpose of digging and mining for coals and other minerals in the counties of Bristol and Norfolk, and of converting the same to useful purposes, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of sixty thousand dollars, and the whole capital of said corporation shall not exceed the sum of one hundred thousand dollars.

[Approved by the Governor, February 22, 1838.]

CHAP. XI.

An Act to authorize the West Parish in Barnstable to sell Parsonage Lands.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The West Parish in Barnstable, is hereby authorized to sell and convey a tract of land owned by them, lying in the westerly part of said town, and to apply the proceeds to parochial purposes, and to no other.

[Approved by the Governor, February 22, 1838.]

CHAP. XII.

An Act to prevent Obstructions in the Harbor of Salem.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

No person shall throw, or put, or cause to be thrown or put, from any vessel or otherwise, any ballast, rubbish, or materials of any description, into the harbor of Salem, or into the channel of the

Authorized to
sell parsonage
lands.

South River, which may injure or obstruct the navigation of the same.

Any person guilty of this offence, may be prosecuted therefor, by complaint before the police court of said city, and shall, at the discretion of the justice of said court, be punished by a fine not exceeding twenty dollars, or be holden to answer for the same at the court of common pleas, and on conviction in said court, shall be punished by a fine not exceeding two hundred dollars for every offence. Penalties.

[Approved by the Governor, February 23, 1838.]

CHAP. XIII.

An Act to establish the Dividing Line between the towns of Bridgewater and East Bridgewater, in the county of Plymouth.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The dividing line between the towns of Bridgewater and East Bridgewater, in the county of Plymouth, is hereby established as follows: Beginning at a stone monument, which is the southeast corner of the town of West Bridgewater; thence running east, fourteen degrees and forty minutes north, to a stone monument standing by the side of the turnpike, near a gravel ridge; thence south, forty-one degrees and ten minutes east, one hundred and thirty-five rods and ten links, to a rock on the westerly side of the road; thence, continuing the same range, seventy-two rods and fifteen links, to a stone monument standing on the east side of the road by the side of a rock; thence east, twenty-two degrees and fifty

Boundary lines.

minutes south, one hundred rods, to a stone monument standing by the side of a pine stump; thence north, seventy-five degrees east, ninety rods; to the north side of the arch bridge across Satucket river; thence on the west side of the road to the turn of the road; thence on the north side of the road until it comes opposite an elm tree, standing about seven rods to the eastward of William Mitchell's dwelling-house; thence across the road at right angles; thence on the southerly side of the road eastwardly to Sandy hill, (so called;) and thence continuing on the southerly side of the usual road to Plymouth, which passes the dwelling-houses of William Briggs, Melzar Hudson, and Ebenezer Hathaway, to Halifax line: and the said line, as above described, shall forever hereafter be the dividing line between said towns of Bridgewater and East Bridgewater.

[Approved by the Governor, February 23, 1838.]

CHAP. XIV.

An Act providing for the appointment of Bank Commissioners.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SEC. 1. There shall be appointed by the Governor, with the advice of the Council, on or before the first day of May next, three persons to be styled Bank Commissioners, who shall exercise the powers and perform the duties hereinafter specified, for the term of three years, and until their successors are appointed and qualified: *provided, however, that the person first named of said commissioners shall go out*

Appointment of
commissioners,
and tenure of
office.

of office at the end of one year, and the person next named shall go out of office at the end of two years ; but any person going out of office may be re-appointed ; *and provided, further*, that the Governor, with advice of Council, may at any time remove from office any or all of said commissioners, and fill all vacancies.

SEC. 2. Said commissioners, or some one of them at least, once in every twelve months, and as much oftener as they may deem expedient, shall visit every bank and provident institution for savings, which has been or may be incorporated by the authority of this Commonwealth, and shall have free access to their vaults, books and papers, and shall thoroughly inspect and examine all the affairs of said corporations, and make any and all such inquiries as may be necessary to ascertain the condition of said corporations, and their ability to fulfil all the engagements made by them, and whether they have complied with the provisions of law applicable to their transactions.

To examine
banks, &c. at
least once a year.

SEC. 3. Said commissioners, or either of them, may summon and examine, under oath, all the directors, officers or agents of said corporations, and such other witnesses as they may think proper, in relation to the affairs, transactions and condition of said corporations ; and any such director, officer, agent, or other person, who shall refuse, without justifiable cause, to appear and testify when thereto required as aforesaid, or who shall obstruct, in any way, any commissioner in the discharge of his duty, as prescribed in this act, shall, on conviction, be subject to a fine not exceeding one thousand dollars, or imprisonment for a term not exceeding one year.

Penalties for re-
fusals to testify,
&c.

SEC. 4. In addition to the examinations herein

provided for, said commissioners, or a majority of them, shall, whenever directed by the Governor, visit any bank or provident institution for savings, which may be designated by him, and make a full investigation of the affairs of such corporation in the manner herein before provided.

Injunction to be
issued by S. J.
C. on application
of commission-
ers.

SEC. 5. If, upon examination of any bank or provident institution for savings, a majority of said commissioners shall be of opinion, that the same is insolvent, or, that its condition is such as to render its further progress hazardous to the public, or to those having funds in its custody, and also, that the said bank or provident institution for savings has exceeded its powers, or has failed to comply with all of the rules, restrictions and conditions provided by law, they may apply to some one of the justices of the supreme judicial court, to issue an injunction to restrain such corporation, in whole or in part, from further proceeding with its business, until a hearing of the said corporation can be had, and said justice shall forthwith issue such process, and after a full hearing of said corporation upon the matters aforesaid, may dissolve or modify the said injunction or make the same perpetual, and make such orders and decrees to suspend, restrain or prohibit the further prosecuting of the business of such corporation as may be needful in the premises according to the course of chancery proceedings, and, at his discretion, may appoint agents or receivers to take possession of the property and effects of the corporation, subject to such rules and orders, as may from time to time be prescribed by the supreme judicial court or any justice thereof, in vacation. And said commissioners shall have power to appoint a clerk of their board, prescribe his duties, and fix his compensation,

whenever the public good may in their opinion demand such appointment.

• SEC. 6. Said commissioners, in the month of December annually, shall make a report to the Governor of the general conduct and condition of the corporations visited by them; and in case any one or more of said corporations have, in the opinion of the commissioners, essentially violated any law of this Commonwealth, they shall make a special report on the subject of such violation, containing such statements and remarks as they may deem expedient; and all reports made by said commissioners, shall be laid before the Legislature at their next session.

Commissioners
to report to Gov-
ernor.

SEC. 7. Before entering on the duties of their office, said commissioners shall severally make oath, before some justice of a court of record, or before any two justices of the peace within this Commonwealth, a certified copy of which shall be returned, within thirty days, to the office of the Secretary of the Commonwealth, that they will faithfully and impartially discharge and perform all the duties incumbent upon them in their said office, agreeably to the constitution and laws of this Commonwealth, according to their best abilities and understanding.

—to be under
oath.

SEC. 8. Neither the said commissioners nor their clerk shall disclose the names of the debtors of any monied corporation examined by them, nor impart any information obtained by them in the course of such examination, excepting so far as may become necessary in the performance of their duties.

SEC. 9. Each of the aforesaid commissioners shall receive, as a compensation for his services, six dollars for each and every day employed by him in the performance of the duties prescribed by this act,

Compensation.

together with the same allowance for travel now made by law to the county commissioners; and the Governor is hereby authorized to draw his warrants on the treasury therefor, and for the compensation prescribed for the services of a clerk of said commissioners, according to the fifth section of this act.

SEC. 10. Nothing contained in this act shall affect, impair or diminish the power reserved to the Legislature, by the fortieth section of the thirty-sixth chapter of the Revised Statutes, or prevent the Legislature from exercising, at any time, the powers and duties therein mentioned.

SEC. 11. This act shall take effect from and after its passage.

[Approved by the Governor, February 23, 1838.]

CHAP. XV.

An Act to incorporate the Maverick Congregational Society.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Aaron Ordway, James M. Whiton, and Jacob Hayes, together with all persons who are subscribers to the stock, or, who shall hereafter become proprietors of pews in the meeting-house situated on Maverick Street, in East Boston, so called, are hereby made a corporation by the name of the Maverick Congregational Society, in the city of Boston, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in the twentieth chapter of said statutes, so far as the

provisions of the chapter relate to the proprietors of meeting-houses.

SEC. 2. The said corporation may hold real and ^{Estate.} personal estate, the annual income of which shall not exceed the sum of two thousand five hundred dollars: *provided*, the same be appropriated exclusively to parochial purposes.

[Approved by the Governor, February 23, 1838.]

CHAP. XVI.

An Act relating to the Boston Asylum and Farm School for Indigent Boys.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Boston Asylum and Farm School for Indigent Boys, are hereby authorized to bind out boys to citizens of any of the New England States, in like manner and upon the same terms as they now may to citizens of this Commonwealth.

[Approved by the Governor, February 23, 1838.]

CHAP. XVII.

An Act to incorporate the Proprietors of the Rural Cemetery in Worcester.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Nathaniel Paine, Samuel M. Burnside, ^{Persons incorpo-} Ira Barton, Rejoice Newton, and their associates, ^{rated.}

with such other persons as shall become proprietors of lots of land containing not less than two hundred square feet in the cemetery herein after mentioned, and their successors, are hereby made a corporation, by the name of the Proprietors of the Rural Cemetery in Worcester; and said corporation shall have all the powers and privileges provided in the forty-fourth chapter of the Revised Statutes.

May take a deed of gift.

SEC. 2. Said corporation may take, from the Honorable Daniel Waldo, a deed of gift in fee simple of a certain lot of land in the town of Worcester, lying and being about three-fourths of a mile north of the court-house, on the easterly side of the new Holden road; and may hold the same, and may take and hold, by purchase or otherwise, land adjoining thereto, in fee simple, not exceeding twenty acres in addition to said lot, for the purposes herein after provided; and may also take and hold personal property, not exceeding in amount ten thousand dollars, to be applied to purposes connected with, and appropriate to the objects of said corporation.

May hold additional land.

May hold personal estate.

Powers of the corporation.

SEC. 3. Said corporation shall take and hold said land, and such other land as they are authorized to obtain by the authority of this act, as and for a rural cemetery, or burying-ground; and for the erection of tombs, cenotaphs, or other monuments, for or in memory of the dead, and for no other purpose; and shall have power to lay out the same in suitable lots or subdivisions for family, or other burying-places; to plant and embellish the same with trees, shrubbery, and other rural ornaments, to enclose the same with suitable walls or fences, and to make and annex thereto other suitable appendages as said corporation may from time to time deem expedient; to erect on said premises a dwelling-house with suitable

ble appendages thereto ; to set off a portion of said land as a garden ; to grant and convey to any person or persons the sole and exclusive right of burial, and of erecting tombs and cenotaphs, and of ornamenting any designated lot or subdivision, upon such terms and conditions, and subject to such regulations, as said corporation shall prescribe ; and any right so granted and conveyed shall be held for the purposes aforesaid, and for none other, as real estate, by the proprietor or proprietors thereof, and shall not be subject to attachment or execution, nor be liable to taxation, nor shall said corporation be liable to be taxed for said land.

Cemetery exempt, &c., from taxes.

SEC. 4. Any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone, or other structure placed in the cemetery aforesaid ; or any fence surrounding said land ; or any fence, railing or other work erected for the protection or ornament of any tomb, monument, grave-stone or other structure, aforesaid, or of any cemetery lot ; or shall wilfully destroy, remove, cut, break or injure any tree, shrub, or plant, within the limits of said garden or cemetery ; or shall shoot or discharge any gun or other fire-arms within the said limits, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any justice of the peace, or other court of competent jurisdiction, shall be punished by a fine not less than five dollars, nor more than one hundred dollars, according to the nature and aggravation of the offence ; and such offender shall also be liable to an action of trespass, to be brought in any court of competent jurisdiction in the name of the proprietors of said cemetery, to pay all damages which shall have been occasioned by his or her unlawful act or acts ; which money, when

Penalty for destroying, &c.

Offender liable in an action for trespass, &c.

recovered, shall be applied, by the trustees of said corporation, to the reparation and restoration of the property destroyed or injured as aforesaid ; and members of said corporation shall be competent witnesses in such suit.

Lawful for corporation to hold any grant, &c., of property.

SEC. 5. Said corporation may take and hold any grant, donation, devise or bequest of any property in trust ; to apply the same, or the income thereof, under the direction of the board of trustees, for the improvement or embellishment of said cemetery, or of the house and garden aforesaid, or for repairing any fence, tomb, grave-stone, or railing, around or on said cemetery, according to the terms of such grant, donation, devise or bequest ; and the supreme judicial court, or any other court having equity jurisdiction, shall have power to compel the execution of such trust.

In case of the death of any proprietor, devisee or heir at law entitled to, &c.

SEC. 6. Said lots shall be indivisible, and upon the decease of any proprietor of a lot in said cemetery containing not less than two hundred square feet, the heirs at law or devisees of such lot, as the case may be, shall be entitled to all the privileges of membership: *provided, however,* that if there be more than one heir at law or devisee of such lot, and they do not agree in writing, and file such agreement with the clerk of said proprietors, within six months from the decease of the owner, the board of trustees shall designate and enter of record, which of said heirs at law or devisees shall represent said lot and vote in the meetings of said corporation ; which designation shall continue in force until said heirs or devisees shall make and file such agreement in manner aforesaid, or until, by reason of death, removal, or other sufficient cause, another designation shall become necessary ; and in making any such designation, the

When more than one devisee or heir at law, trustees to designate, &c.

trustees shall, as far as may conveniently be done, give preference to males over females, to proximity of blood, and to priority of age, having due regard, however, to proximity of residence.

Preference to be given to males.

SEC. 7. This act shall take effect from and after its passage.

[Approved by the Governor, February 23, 1838.]

CHAP. XVIII.

An Act to incorporate the First Independent Baptist Church and Society in Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Samuel Jasper, Thomas Dalton, and Coffin Pitts, their associates and successors, are hereby made a corporation, by the name of the First Independent Baptist Church and Society in Boston, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the twentieth chapter of said statutes, which relates to parishes and religious societies.

Persons incorporated.

SEC. 2. Said corporation may hold real and personal estate, the annual income of which shall not exceed the sum of two thousand dollars: *provided*, the same be appropriated exclusively to parochial purposes.

Estate.

[Approved by the Governor, February 23, 1838.]

CHAP. XIX.

An Act to regulate the Fishery in the Agawam and Half-way Pond Rivers.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Committee, how
chosen.

Duties of com-
mittee.

Limitation of
price.

SEC. 1. The towns of Plymouth and Wareham shall annually, at their meetings in the month of November, respectively, choose by ballot, a committee of not more than three persons each, who shall be sworn to the faithful discharge of their duties, in the manner of other town officers,—which committee shall, in the month of March, annually, after a public notice of at least ten days, sell by public vendue the privilege of taking the fish called alewives and shad, in the Agawam and Half-way Pond Rivers, in the county of Plymouth, at such places, not exceeding two in said towns, and on such days, not exceeding three in each week, as said committees shall agree upon and publish in their notice of sale ; they shall also express in said notice the manner of taking and disposing of said fish, and the price at which the purchasers may sell them, which price shall not exceed twenty-five cents a hundred for alewives, and four cents each for shad : *provided, nevertheless*, that said committee may fix upon one place in the town of Wareham, and one day in each week, for taking shad, different from the place and day of the week appointed for taking alewives.

SEC. 2. The committee of the town of Plymouth, the first year after the passage of this act, and the committee of the town of Wareham, the second year, and so on alternately forever, shall notify the town

clerk of the other town concerned in said fishery, of the time and place in which said committees shall meet, ten days at least, before the time of meeting ; and the members of the committee present at said meeting, shall constitute a quorum for doing business.

Quorum, how constituted.

SEC. 3. If either of said towns shall neglect to choose its committee as aforesaid, or if the committee of either town shall neglect to give notice as above required to the other, said town shall forfeit and pay to the use of the other which shall choose such committee, or whose committee shall give said notice, for each neglect, the sum of one hundred dollars.

Penalty for neglect.

SEC. 4. All persons except the purchasers as aforesaid, or those employed by them, who shall take any of said fish in said rivers, or in any pond or stream having communication therewith, between the first day of April and the first day of June, both inclusive, in each year, shall forfeit and pay not more than twenty dollars for each and every offence.

Persons not authorized to take fish, liable to penalty.

SEC. 5. The owner or occupier of any dam on said rivers, shall annually, between the first day of April and first day of June next following, for such term of time, and in such manner as said committee shall direct, open a sufficient passage for said fish through said dam ; and on failure of opening such passage, or of continuing the same open as aforesaid, shall forfeit and pay the sum of one hundred dollars ; and said committee may open such dam, when neglected as aforesaid, at the expense of the proprietor thereof : *provided*, no more damage is thereby done the owner than is necessary to effect said purpose.

Dams required to be opened.

Penalty for neglecting to open dams.

Committee may open dams, &c.

No wear, &c., to be used except as approved by committee.

Penalty for violation of regulations.

Forfeitures, how to be recovered, &c.

SEC. 6. If any person shall make any wear, or cause any other obstruction to the free passage of said fish up said rivers, or shall make use of any seine to take said fish in said rivers, or shall take any of said fish in said rivers, or in any pond or stream communicating with the same, in any other manner, or at any other time or place, than such as may be approved and established by said committee, between the first day of April and first day of June as aforesaid, he shall forfeit and pay not more than twenty dollars for each and every offence; and said committee shall remove such wear or obstruction at the expense of the person causing the same, and also seize, to the use and disposal of said towns, any seine used as aforesaid, and make complaint to the town treasurer of either of the towns aforesaid, of any violation of this act that shall come to their knowledge.

SEC. 7. The treasurers of the aforesaid towns respectively may, upon the complaint of any member of the Committees aforesaid, sue for the recovery of any forfeitures incurred by a breach of any of the regulations provided in this act, and also of any such further regulations as may be provided and established by said committees, in conformity to this act; and all fines and forfeitures recovered for any breaches aforesaid, except such as are provided in the third section of this act, shall, together with the proceeds of said fishery, be equally divided between said towns; and all the expenses attending said suits shall in like manner be equally borne by them. And the treasurers aforesaid, respectively may, in behalf of their respective towns, recover, by an action on the case, of any person or corporation withholding the same, one half part thereof, in any court proper to try said action.

SEC. 8. The purchasers of the privilege of taking said fish shall, in all respects, conform themselves to such regulations and conditions as said committees shall publish, as aforesaid; and on failure thereof, shall forfeit and pay, for each offence, a sum not exceeding twenty dollars.

Purchasers of privileges required to conform to regulations, &c.

SEC. 9. Any member of the committees aforesaid, may be admitted as a competent witness in any prosecution for a breach of any regulation as aforesaid.

Members of committee may testify.

SEC. 10. The committees chosen by said towns, in the month of November last, for regulating the taking of alewives in said rivers, agreeably to the provisions of the act then existing for that purpose, may perform all the duties for the present year, that are required of committees hereafter to be chosen, under the provisions of this act; and they, as also committees hereafter chosen for the purposes contemplated by this act, shall receive, out of the proceeds of said fishery, one dollar and twenty-five cents each, for every day's service they may be actually engaged in performing the duties herein required of them.

Compensation of committee.

SEC. 11. All laws heretofore passed respecting the fishery in said rivers, are hereby repealed, excepting so far as respects any penalties already incurred for a breach of the same.

SEC. 12. This act shall take effect from and after its passage.

[Approved by the Governor, February 26, 1838.]

CHAP. XX.

An Act to incorporate the Proprietors of the Hingham Cemetery.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Jotham Lincoln, Edward Thaxter, and Jairus Lincoln, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Hingham Cemetery ; and said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

May take a deed
of gift.

May hold addi-
tional real estate.

May hold person-
al estate.

SEC. 2. The said corporation may take a deed of gift in fee simple of a certain lot of land situated in Hingham, in the county of Plymouth, from Adam W. Thaxter, and may hold the same, and may also take and hold, as aforesaid, any other lands adjacent thereto, in fee simple, not exceeding ten acres in addition to said lot, for the purpose hereinafter provided ; and may also hold any personal estate, not exceeding in value two thousand dollars, to be applied to the purposes connected with, and appropriate to the object of said corporation.

Powers of the
corporation.

SEC. 3. The said corporation shall take and hold the land aforesaid for a rural cemetery, or burying-ground, and for the erection of tombs, cenotaphs, or other monuments in memory of the dead ; and for this purpose, may lay it out in suitable lots or subdivisions for family or other burying-places, and plant and embellish it with shrubbery, flowers, trees, walks, and other rural ornaments, and enclose and

divide it with proper walls and enclosures, and may make and annex thereto such other suitable appendages as the corporation shall from time to time deem expedient.

And the said real estate shall be forever held by said corporation for such purposes, and for no other.

And said corporation may grant and convey to any person or persons, the sole and exclusive right of burial and of erecting tombs, cenotaphs, or other monuments, in any such designated lots and subdivisions: and any right so granted and conveyed shall be held for the purposes aforesaid and for none other as real estate by the proprietor or proprietors thereof; and said cemetery is hereby declared exempted from all public taxes, so long as it shall remain dedicated to the purposes of a cemetery.

Cemetery exempt from taxation.

SEC. 4. All persons who shall hereafter become proprietors of lots, in said cemetery, of a size not less than one hundred square feet, shall thereby become members of said corporation.

Proprietors of lots to be members.

SEC. 5. All the provisions contained in the seventh and ninth sections of the act of March thirty-first, in the year one thousand eight hundred and thirty-five, to incorporate the proprietors of the cemetery of Mount Auburn, in the county of Middlesex, shall apply to and have effect as to the Hingham Cemetery, in the county of Plymouth.

[Approved by the Governor, February 28, 1838.]

CHAP. XXI.

An Act concerning Juries.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

No member of the Senate or of the House of Representatives, or the officers of either of those branches, shall, during the session of the General Court, be required to perform the duty of a juror.

[Approved by the Governor, February 28, 1838.]

CHAP. XXII.

An Act to incorporate the Proprietors of the Second Universalist Meeting-House in Lowell.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Asa W. Willoughby, Otis Bullard, and Isaac Place, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Second Universalist Meeting-house in Lowell; with all the powers and privileges, and subject to the restrictions, duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Estate.

SEC. 2. Said corporation may hold real and personal estate, the annual income of which, exclusive of their meeting-house, shall not exceed the sum of fifteen hundred dollars; and said corporation may divide their whole capital stock into shares not less

than one hundred, nor more than eight hundred in number: *provided*, that no share shall ever be assessed in a larger sum in the whole, than twenty-five dollars: *provided, also*, that when the dividends upon such shares shall have paid the amount of all assessments made upon them, with six per cent. interest upon said amount from the time of payment, the income of said property shall thereafter be applied exclusively to parochial purposes.

SEC. 3. Said corporation may sell, lease, or otherwise dispose of, the pews in their meeting-house, as they may think proper: *provided*, that the proceeds of the same shall be applied exclusively to parochial purposes.

[Approved by the Governor, March 2, 1838.]

CHAP. XXIII.

An Act to encourage the production of Wheat.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SEC. 1. There shall be allowed and paid as a Bounty. bounty to the person who shall raise fifteen bushels of well-cleansed wheat, two dollars, and for every additional bushel above fifteen bushels, five cents, from the treasury of the city or town where said person shall reside.

SEC. 2. Before any person shall be entitled to receive the bounty herein provided, he shall prove, to the satisfaction of the treasurer of the city or town in which such person shall reside, that the wheat for which said bounty is claimed, was raised, or caused Evidence of production required.

to be raised by him, and shall produce a certificate, signed and sworn to as follows:—

— — — 18—.

Form of certificate.

I do hereby certify, that I have raised within the Commonwealth of Massachusetts, during the year —, — bushels of well cleansed wheat, for which I claim the bounty provided by law therefor. I further certify, that said wheat is my property, and has not received a bounty from the treasurer of any city or town whatever.

Signed, — — —.

—, ss. On this — day of — personally appeared the above named —, and made solemn oath, that the above certificate by him subscribed is true.

Before me, — — —, Justice of the Peace.

Treasurers to keep an account of moneys paid.

SEC. 3. The treasurers of the several cities and towns shall keep an account of the money by them paid out by virtue of this act, and present the same, verified by oath, to the secretary of the Commonwealth, to be by him laid before the Governor, who is hereby authorized with the advice of Council, to draw a warrant on the treasury for the reimbursement of the money so paid out : *provided*, no claim for such reimbursement shall be allowed, which is not presented previous to the last day of January next after the production of the wheat for which a bounty shall be claimed.

Claims for reimbursement not to be allowed unless presented within limited time.

Bounty to be paid for greatest quantity raised.

SEC. 4. The sum of one hundred dollars shall be paid to the person who shall raise in any county in this Commonwealth in any one year, the greatest quantity of well-cleansed wheat, not less than five hundred bushels on one farm,—and present a satisfactory certificate thereof, verified by oath, to the secretary of the Commonwealth, to be by him laid

before the Governor, who is hereby authorized, with advice of Council, to draw a warrant on the treasury therefor.

SEC. 5. All persons residing in unincorporated places, upon providing the certificates required by the second section of this act, to the treasurer of the nearest incorporated town, shall be entitled to the same bounty as persons residing in said town.

SEC. 6. The secretary of the Commonwealth shall seasonably furnish the treasurers of the several cities and towns with the following blank form of certificate :

Secretary to furnish blank form of certificate.

Statement of Wheat raised in the year 18—.

Names of Claimants.	Number of acres sown.	Bushels raised per acre.	Quantity of seed per acre.	Kind of seed.	Day of month when sown.	Kind of soil.	Kind and quantity of manure.	Lime or plaster, and how much per acre.	Preparation of seed.	Any diseases or accidents.

And the treasurers of the several cities and towns shall obtain from the persons who claim the bounty of the Commonwealth, full and satisfactory answers to the inquiries proposed in the foregoing statement, and shall return the same, attested by said treasurers, together with the account named in the third section of this act, to the secretary of the Commonwealth.

[Approved by the Governor, March 2, 1838.]

CHAP. XXIV.

An Act to incorporate the Trustees of the Methodist Episcopal Meeting-house in Bradford.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorporated.

SEC. 1. Benjamin Parker, Jr., Abner Hardy, Gorham P. Tandy, Paul Hopkinson, Eliphalet Rollins, and their successors, are hereby incorporated, by the name of the Trustees of the First Methodist Episcopal Meeting-house in Bradford; with all the powers and privileges, and subject to all the duties and liabilities, contained in the twentieth chapter of the Revised Statutes, relating to parishes and the support of public worship.

Estate.

SEC. 2. The said trustees shall have power to hold and manage any and all of the estate of the proprietors of said meeting-house : *provided, however*, that the annual income thereof, exclusive of the meeting-house, shall not exceed the sum of two thousand dollars ; and that the same shall all be appropriated to parochial purposes.

To be divided into shares.

SEC. 3. The property in said meeting-house shall be divided into shares, and the shareholders shall meet annually, in the month of April, after the present year, and choose the successors of said trustees ; each share shall entitle the holder to one vote : *provided, however*, that no shareholder shall be entitled to more than one third of all the votes.

No stockholder to be entitled to more than one third of the votes.

[Approved by the Governor, March 3, 1838.]

CHAP. XXV.

An Act to authorize the North Parish in Weymouth
to sell Parsonage Lands.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The North Parish in Weymouth is hereby authorized to sell a tract of wood-land, owned by said parish, lying in said town ; and the treasurer of said parish, for the time being, is authorized to execute a deed or deeds to convey the same. Deeds to be executed.

SEC. 2. The proceeds of such sale or sales shall be expended for the purpose of building a parsonage house for said parish, and none other. Investment of proceeds.

[Approved by the Governor, March 3, 1838.]

CHAP. XXVI.

An Act relating to the Probate Court in the County
of Nantucket.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Probate Court, for the county of Nantucket, shall be hereafter holden on the first Thursday of every month.

[Approved by the Governor, March 3, 1838.]

CHAP. XXVII.

An Act to authorize the First Parish in Brighton to sell Parsonage Property.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Deeds to be executed.

SEC. 1. The First Parish in Brighton is hereby authorized to sell a tract of land, with the buildings thereon, belonging to said parish, situated in said town ; and the treasurer of said parish, for the time being, is authorized to execute a deed or deeds to convey the same.

Investment of proceeds.

SEC. 2. The proceeds of the sale of said property shall be invested in such manner as said parish shall direct : *provided, however,* that the income only, and no part of the principal shall be applied for the support of the ministry in said parish.

[Approved by the Governor, March 3, 1838.]

CHAP. XXVIII.

An Act relating to the partition of Real Estate.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

In all cases in which commissioners may be appointed by the probate court, pursuant to the provisions of the one hundred and third chapter of the Revised Statutes, to make partition of real estate, when the said real estate cannot be divided without damage to the owners, the whole of said real estate

or any part thereof, may be set off to any one or more of the parties among whom partition is ordered to be made, he or they paying to any one or more of the other of said parties such sums of money as the said commissioners shall award.

[Approved by the Governor, March 8, 1838.]

CHAP. XXIX.

An Act to authorize the proprietors of Union Wharf to extend the same.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. The proprietors of the wharf or wharves in the city of Boston, now called and known by the name of Union Wharf, are hereby authorized and empowered to extend the said wharf or wharves towards the channel to the line established by the General Court, by the act entitled an act to preserve the Harbor of Boston, and prevent encroachments therein, passed on the nineteenth day of April, eighteen hundred and thirty-seven; and they shall have and enjoy the right and privilege of using and occupying the flats adjacent to said wharf or wharves when so extended, at the ends and at the sides thereof, in the same manner in which they have hitherto occupied and enjoyed the flats and docks adjoining said wharf or wharves as they now are : *provided, however*, that neither the said proprietors nor their assigns shall have nor claim any right to extend the said wharf or wharves, nor to use and occupy the flats which shall be on the north side of

Proprietors may extend to line established by the act, &c.

Not to claim any right to extend wharf or occupy flats on the north beyond a prescribed line.

Limitation of
right to extend
and occupy on
the south side.

said wharf or wharves when so extended, beyond a line drawn in continuation of the boundary line dividing the lands and flats of the proprietors from the lands and flats of the proprietors of Lincoln's Wharf so called; nor have nor claim any right to extend the said Union Wharf or Wharves, nor to use and occupy the flats which shall be on the south side of the same when so extended, beyond a line drawn about eastwardly from the middle of a line extending from the southern boundary line of the lands of the proprietors of said Union Wharf or Wharves to the northern boundary line of the lands of the proprietors of Sargeant's Wharf, so called, through the point at which said boundary lines when extended will intersect each other.

Proprietors not
to interfere with
rights of others.

SEC. 2. Nothing herein contained shall be so construed, as to authorize said proprietors to lessen or injure the rights or property of any other person or persons whatsoever.

[Approved by the Governor, March 8, 1838.]

CHAP. XXX.

An Act relating to repairs of Highways.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The words "except in the case provided for in the preceding section," in the eleventh section of the twenty-fifth chapter of the Revised Statutes, are so far altered as to read, except in the case provided for in the ninth section of this chapter.

[Approved by the Governor, March 8, 1838.]

CHAP. XXXI.

An Act relating to commitments to the State Lunatic Hospital.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The court of common pleas is hereby authorized to allow to any sheriff, constable, or any other person to whom a precept may be directed by name, who has heretofore committed or who hereafter may commit any person to the State Lunatic Hospital, the same fees as are now allowed to officers upon the commitment of any person to prison, and such further sums for expenses incurred in said commitments, as to the said court may seem reasonable ; and the fees and other sums so allowed shall be made up in the general bill of costs for the term of the court at which such allowance shall be made.

Allowance of fees to officers for commitments.

Fees, how to be made up.

[Approved by the Governor, March 8, 1838.]

CHAP. XXXII.

An Act to authorize the construction of a Bridge over Green's Creek, in Chelsea.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The court of common pleas for the county of Suffolk may, on the application of the town of Chelsea, authorize the construction of a bridge by said town, for a public highway over Green's Creek, in said Chelsea, if, in their opinion, the public convenience

Court of common pleas for county of Suffolk to authorize the construction.

How to be constructed.

and necessity shall require it. And said bridge shall be constructed of such materials, in such manner, and over such part of said creek, as the said court, after a view of the premises, and a hearing of all parties interested therein, shall determine. The said court, in authorizing the construction of said bridge, shall be governed by the provisions of the Revised Statutes in relation to the laying out of highways in the town of Chelsea.

[Approved by the Governor, March 8, 1838.]

CHAP. XXXIII.

An Act to incorporate the First Universalist Society in Andover.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incorporated.

SEC. 1. Alonzo Smith, Henry Burt, and Sylvester Merrill, their associates and successors, are hereby made a corporation, by the name of the First Universalist Society in Andover; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, contained in the twentieth chapter of the Revised Statutes, relating to parishes and the support of public worship.

Estate.

SEC. 2. Said society shall have power to hold real and personal estate to an amount not exceeding ten thousand dollars, exclusive of their meeting-house: *provided*, that the whole annual income thereof shall be appropriated to parochial purposes.

Power to assess pews.

SEC. 3. Said society may assess the pews in their meeting-house, for the support of public worship.

[Approved by the Governor, March 8, 1838.]

CHAP. XXXIV.

An Act to incorporate the Clinton Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. John Wright, Horatio N. Bigelow, Is-
Persons incorpo-
 rated.
 rael Longley, their associates and successors, are
 hereby made a manufacturing corporation, by the
 name of the Clinton Company, for the purpose of
Goods to be man-
 ufactured.
 manufacturing cotton, woollen and silk goods, and
 machinery, in the town of Lancaster, in the county
 of Worcester; and for these purposes shall have all
 the powers and privileges, and be subject to all the
 duties, restrictions and liabilities, set forth in the
 thirty-eighth and forty-fourth chapters of the Revised
 Statutes.

SEC. 2. The said corporation may hold, for the Estate.
 purposes aforesaid, real estate to the amount of
 thirty thousand dollars; and the whole capital stock
 of said corporation shall not exceed one hundred
 thousand dollars.

[Approved by the Governor, March 8, 1838.]

CHAP. XXXV.

An Act concerning Insurance Companies.

BE *it enacted by the Senate and House of Rep-
 resentatives, in General Court assembled, and by the
 authority of the same, as follows :*

It shall be lawful for any Insurance Company, in-
 corporated by the laws of this Commonwealth, to
May invest in
 stocks of rail-
 road companies.
 invest so much of their capital stock, not exceeding

Amount invested,
limited.

one third of the said capital, in the stocks of any incorporated rail-road companies within this Commonwealth, whose franchise shall not be pledged or mortgaged for the debts of said corporation, the whole capital of which shall have been paid in : *provided*, that not more than one fifth part of the capital of any insurance company shall be invested in the stock of any one rail-road corporation.

[Approved by the Governor, March 10, 1838.]

CHAP. XXXVI.

An Act to establish the Dividing Line between Bolton and Marlborough.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Dividing line described.

The dividing line between the town of Bolton, in the county of Worcester, and the town of Marlborough, in the county of Middlesex, from an established monument at Berlin Corner, to an established monument on Cox's Hill, shall be a straight line : *provided*, that the dwelling-house of Willard Cox, now standing upon the line aforesaid, and the occupants thereof, for all purposes, shall be considered within the town of Marlborough, so long as said building remains upon said line.

[Approved by the Governor, March 16, 1838.]

CHAP. XXXVII.

An Act in addition to An Act to incorporate the Chelmsford Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The Chelmsford Company, incorporated in the year one thousand eight hundred and thirty-six, are hereby authorized and empowered to carry on their business in the towns of Chelmsford and Dracut, and in the city of Lowell, in the county of Middlesex; and said company may hold real estate to the amount of forty thousand dollars, and the capital of said company may be extended to one hundred thousand dollars; any thing in the act incorporating the same, to the contrary notwithstanding; but in no case shall the whole capital of said company exceed the sum of one hundred thousand dollars.

May carry on business in Chelmsford, Dracut and Lowell.

Estate.

Capital limited.

[Approved by the Governor, March 16, 1838.]

CHAP. XXXVIII.

An Act concerning the destruction of certain Noxious Animals.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The fifty-fourth chapter of the Revised Statutes is hereby repealed, except so much thereof as authorizes the inhabitants of any town qualified to vote at any legal meeting warned for that purpose, to raise

Towns may grant bounties.

any sum of money which they may judge necessary to encourage the destruction of wolves, bears, wild cats or foxes, or any other noxious animals whatever.

[Approved by the Governor, March 16, 1838.]

CHAP. XXXIX.

An Act to incorporate the Fifth Universalist Society in the city of Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

Estate.

Society may as-
sess the pews.

SEC. 1. George Hills, Otis Morton, and Bela Marsh, their associates and successors, are hereby made a corporation, by the name of the Fifth Universalist Society in the city of Boston ; with power to hold real and personal estate in the said city, to an amount not exceeding fifty thousand dollars : *provided*, the same, or the income thereof, shall always be appropriated exclusively to parochial purposes.

SEC. 2. Said society are hereby authorized to assess the pews in their meeting-house for the support of public worship.

[Approved by the Governor, March 16, 1838.]

CHAP. XL.

An Act in further addition to An Act to incorporate certain persons into a company by the name of the South Boston Association.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. An act passed on the fourteenth day of June, in the year one thousand eight hundred and five, entitled "an act to incorporate certain persons into a company by the name of the South Boston Association," shall continue in force until the fourteenth day of June, in the year one thousand eight hundred and forty-three; any thing in the original act to which this is in addition, or in the several acts in addition thereto, to the contrary notwithstanding. And said corporation shall have every legal remedy in regard to their lands and property, and may maintain any suits or other legal proceedings concerning the same, in the same manner as if all the provisions in the act to which this is in further addition were hereby expressly revived and continued in force.

Act of incorporation continued in force.

Corporation may have all the powers granted in the original act

SEC. 2. The said association may, at any regular meeting, by a major vote, authorize sales to be made at public auction, of the whole or any part of their property, and pass deeds in conformity to such sales.

[Approved by the Governor, March 16, 1838.]

CHAP. XLI.

An Act concerning the location of the Western Rail-Road.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Further time for
location of parts
of rail-road
granted.

There shall be allowed to the Western Rail-road Corporation, the term of nine months from the passage of this act to file with the county commissioners the location of that part of their rail-road which lies between Seven Mile river, in Brookfield, and Connecticut river ; and the further time of one year from the first day of December next, to file with the county commissioners the location of that part of their road which lies westward of the east bank of Connecticut river ; any thing in their act of incorporation, or the thirty-ninth chapter of the Revised Statutes, to the contrary notwithstanding.

[Approved by the Governor, March 17, 1838.]

CHAP. XLII.

An Act to authorize Justices of the Peace, and others, to compel the attendance of Witnesses.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Justices of the Peace, Masters in Chancery, and Auditors appointed by the Court of Common Pleas or Supreme Judicial Court, shall have the same power to compel witnesses to attend and testify in

causes to be heard or tried before them, as is given by the fifth and sixth sections of the ninety-fourth chapter of the Revised Statutes to Courts of Record.

[Approved by the Governor, March 17, 1838.]

CHAP. XLIII.

An Act to provide for the appointment of temporary Town Treasurers and Collectors of Taxes.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Whenever the office of Town Treasurer, or the office of Collector of Taxes, in any town in this Commonwealth, shall be vacant by reason of death, removal, sickness, or other cause, or whenever such treasurer or collector shall be prevented from performing the duties of his office, the selectmen of such town may appoint in writing under their hands a town treasurer or collector of taxes pro tempore, who shall hold his office until another is chosen in his place, and shall be sworn and give bonds for the faithful discharge of the duties of his office, in the same manner as town treasurers and collectors of taxes are now required to do.

Selectmen may
appoint treasurer
or collector pro
tempore.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, March 20, 1838.]

CHAP. XLIV.

An Act authorizing John W. Trull to extend his Wharves.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

May extend wharves to the line established by the act, &c.

John W. Trull, proprietor of certain wharves in Boston, fronting on Causeway street, and lying between Charles River Bridge and the Canal, so called, is hereby authorized to extend and maintain his said wharves into the harbor channel, so far as the line established by an act made and passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, entitled "an act to preserve the harbor of Boston, and to prevent encroachments therein," and shall have the right and privilege of laying vessels at the sides and the ends of said wharves, and of receiving dockage and wharfage therefor : *provided*, that so much of said wharves as shall be erected under this act, shall be built on piles ; and that this grant shall in nowise interfere with the legal rights of any person or persons whatsoever.

Wharves so extended to be built on piles.

[Approved by the Governor, March 20, 1838.]

CHAP. XLV.

An Act to authorize Charles Leighton to extend his Wharf.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Charles Leighton, proprietor of a certain wharf in

the northerly part of Boston, fronting on Causeway street, and lying between Warren and Charles River Bridges, is hereby authorized to extend his said wharf into the harbor channel, so far as the line established by the commissioners for the survey of Boston harbor, and according to an act of the Legislature, passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven; and he shall have the privilege of laying vessels at the end and sides of said wharf, and of receiving wharfage therefor: *provided*, that so much of said wharf as shall be built under this act shall be built on piles; and that this grant shall in nowise interfere with the legal rights of any person or persons whatever.

May extend wharf to the line established by the act, &c.

Wharf so extended to be built on piles.

[Approved by the Governor, March 20, 1838.]

CHAP. XLVI.

An Act concerning the election of Parish Officers.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

The election of parish clerks, assessors, treasurers, and collectors, of every parish and religious society, and of every religious society organized agreeably to the provisions of the twentieth chapter of the Revised Statutes, and also of the moderators of parish meetings held for the choice of parish officers shall be by written ballots; and the election of all other parish officers may be in such mode as the meeting shall determine.

What officers shall be elected by written ballots.

Mode of electing others to be determined by the meeting.

[Approved by the Governor, March 20, 1838.]

CHAP. XLVII.

An Act to incorporate the North Wharf Company
in the town of Truro.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Michael Snow, David Lombard, their associates and successors, are hereby incorporated and made a body politic by the name of the North Wharf Company, for the purpose of holding and improving a wharf in Truro, called North Wharf, with power to extend said wharf: *provided, however*, that nothing herein contained shall be construed to authorize the said company to obstruct the free navigation of the channel by vessels or otherwise, nor to infringe upon the legal rights of any person.

May extend
wharf.

Not to obstruct
navigation of
channel.

Property how to
be divided.

SEC. 2. The property in the said company shall be held in forty-two shares, with power to increase the number as they may see cause; and the said company may hold such real and personal property and estate, not exceeding the value of fifty thousand dollars, as may be necessary and convenient to carry into effect the objects of this act.

Estate.

SEC. 3. The said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

[Approved by the Governor, March 22, 1838.]

CHAP. XLVIII.

An Act to annex Grafton Gore to the town of Worcester.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The tract of unincorporated land in the county of Worcester, called Grafton Gore, bounded westerly by the town of Worcester, southerly by the town of Millbury, easterly by the town of Grafton, and northerly by the town of Shrewsbury, is hereby annexed to, and made part of the town of Worcester.

[Approved by the Governor, March 22, 1838.]

CHAP. XLIX.

An Act to annex Oxford North Gore to the town of Oxford.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The tract of unincorporated land in the county of Worcester, called Oxford North Gore, and bounded north by the town of Leicester, west by the town of Charlton, south by the town of Oxford, and east by the town of Auburn, is hereby annexed to, and made part of the town of Oxford.

[Approved by the Governor, March 22, 1838.]

CHAP. L.

An Act to extend the time for the completion of the
Fall River Mill-road, Rail-road and Ferry.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The time limited in the twenty-fifth section of the act incorporating the Fall River Mill-road, Rail-road and Ferry Company, for the completion of said rail-road, is hereby extended to the first day of December, in the year one thousand eight hundred and forty-one; and the time for building the ferry, wharves and bridges, and for extending and completing the ferry road, as provided in said twenty-fifth section, is hereby extended to the first day of December, in the year one thousand eight hundred and forty-one; and if said rail-road, ferry wharves, bridges and ferry road shall be completed within the times aforesaid, the said company shall continue to enjoy unimpaired the rights and privileges granted by their charter.

[Approved by the Governor, March 23, 1838.]

CHAP. LI.

An Act to incorporate the Associate Trustees of the
Methodist Religious Society in Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Ezra Mudge, Albert H. Brown, Lemuel Tompkins, and their associates and successors, are

hereby made a corporation, by the name of the Associate Trustees of the Methodist Religious Society in Boston.

SEC. 2. The said corporation may hold any es- Estate.
tate, real or personal, for the use and benefit of any one or more congregations of the Methodist Episcopal Church in Boston, to be held and managed by said corporation in conformity with the usages of said church: *provided*, that the whole estate, real Amount limited.
and personal, so held by said corporation, shall not exceed, in its annual income, the sum of five thousand dollars, exclusive of the chapels, or house of public worship, and the land appurtenant to the same, which may be held by them.

[Approved by the Governor, March 28, 1838.]

CHAP. LII.

An Act in addition to an Act to incorporate the Bradford Mutual Fire Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SEC. 1. The Bradford Mutual Fire Insurance Company shall be entitled to all privileges, and be subject to all the liabilities and duties, set forth in the thirty-seventh chapter of the Revised Statutes.

SEC. 2. This act shall take effect upon the corporation from and after its acceptance by them, at a meeting duly notified for the purpose; and shall apply to the liabilities of each individual of the present company, whenever such individual shall certify in writing his consent to its provisions. When to take effect, &c.

[Approved by the Governor, March 28, 1838.]

CHAP. LIII.

An Act to incorporate the First Religious Society
in Danvers.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Samuel Preston, Samuel P. Fowler, Jesse Putnam, their associates and successors, are hereby made a corporation, by the name of the First Religious Society in Danvers, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the twentieth chapter of the Revised Statutes.

Estate.

SEC. 2. Said corporation may hold real and personal estate, exclusive of the meeting-house when erected, to an amount not exceeding the sum of twenty thousand dollars: *provided*, the whole annual income thereof shall be appropriated exclusively to parochial purposes.

Society may as-
sess pews.

SEC. 3. Said society may assess the pews in their meeting-house, when erected, for the support of public worship.

[Approved by the Governor, March 28, 1838.]

CHAP. LIV.

An Act relating to the Probate Courts in the County
of Suffolk.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The fifty-fifth section of the eighty-third chapter

of the Revised Statutes shall be so altered, that the probate courts for the county of Suffolk shall be hereafter holden in Boston on every Monday in each month, excepting the first and last Mondays of June, every Monday in July, and the first Monday of August, September, October, November and December.

When to be
holden.

[Approved by the Governor, March 30, 1838.]

CHAP. LV.

An Act to defray the Expenses of the Board of Education.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The members of the Board of Education, appointed by the Governor and Council, pursuant to the provisions of an act relating to common schools, passed April twentieth, in the year one thousand eight hundred and thirty-seven, shall be reimbursed for all expenses incurred in the discharge of their official duties—their accounts being first audited and allowed by the Governor and Council ; and the incidental expenses of said board shall be allowed and paid in the same manner.

Accounts to be
audited by the
Governor and
Council.

[Approved by the Governor, March 31, 1838.]

CHAP. LVI.

An Act to annex part of Zoar to Charlemont.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Dividing lines
described.

SEC. 1. All that part of the unincorporated tract of land in the county of Berkshire, called Zoar, which lies within the following bounds, viz.—beginning at a point on the line between Zoar and Charlemont, being the southeast corner of a lot of land belonging to Todd and Legget; thence southerly, on the line between Zoar and Charlemont, and crossing Deerfield river, about one thousand and four rods, to the southeast corner of Zoar, being the southwest corner of Charlemont; thence westerly, on the line between Zoar and the towns of Hawley and Savoy, about four hundred and thirty-five rods, to the southwest corner of Zoar; thence north nineteen degrees east, two hundred and forty rods on the line between Zoar and Florida, to Cold river; thence north, on the line of Florida, to the centre of Deerfield river; thence, in a northerly direction, up the centre of said river, to the centre of the bridge over Deerfield river, being the dividing point of that part of Zoar to be annexed to Rowe, and that part to be annexed to Charlemont, and also the dividing line between Zoar and Florida; thence easterly, through the middle of said bridge, to the east end thereof; thence north, about seventy-four degrees east, about four hundred and five rods, to the centre of Pelham brook, at a point immediately below the bridge over Steel's brook; thence up the centre of Pelham brook, one hundred and ninety rods, to a

rock at the southwest corner of said Todd and Legget's land; thence north, eighty-four degrees and thirty minutes east, on the south line of said Todd and Legget's land, two hundred and fifty rods, to the place of beginning,—is hereby annexed to and made part of the town of Charlemont, in the county of Franklin.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 2, 1838.]

CHAP. LVII.

An Act to annex a part of Zoar to the town of Rowe.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. All that part of the unincorporated tract of land in the county of Berkshire, called Zoar, which lies within the following bounds, viz.—beginning at a stone monument in the south line of the town of Rowe, it being the northeast corner of Zoar, and the northwest corner of Charlemont; thence southerly, on the west line of Charlemont, seventy-six rods, to a stake and stones at the southeast corner of a lot of land belonging to Todd and Legget; thence west, five degrees and thirty minutes north, on the south line of said Todd and Legget's land, two hundred and fifty rods, to a rock in the centre of Pelham brook; thence, in a southwesterly course, down the centre of Pelham brook, one hundred and ninety rods, to a point immediately below

Dividing lines
described.

the bridge over Steel's brook ; thence south, about seventy-four degrees west, four hundred and five rods, to the middle of the eastern end of the bridge over Deerfield river, between Zoar and Florida ; thence westerly, parallel with said bridge, and through the middle thereof, to the centre of said river ; thence up the centre of said river, being the dividing line between Zoar and Florida, to the line of the town of Rowe ; thence in an easterly direction, on the dividing line between Zoar and Rowe, to the place of beginning, containing about one thousand eight hundred and seventy-five acres,—is hereby annexed to and made part of the town of Rowe, in the county of Franklin.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 2, 1838.]

CHAP. LVIII.

An Act to alter the location of a part of the Eighth Massachusetts Turnpike, and to confirm the location of the same.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. That portion of the Eighth Massachusetts Turnpike lying between the foot of Dickinson's second hill in Russell, in the county of Hampden, and a hill easterly of Mallory's brook, so called, in said Russell, is hereby discontinued, and, in lieu thereof, said corporation shall keep in repair a new road, recently constructed between the same termini, over land lately owned by Linus Dickinson, and

Portion discontinued.

now owned by said corporation, which said new road is hereby established as a part of said turnpike road.

New road established.

SEC. 2. The doings of said corporation, and of the committee of location of said road, in relation to the location of the same, and also in relation to the erection and location of their turnpike gate, are hereby ratified and confirmed; and said corporation may collect the toll at said gate provided by their act of incorporation and the several acts in addition thereto.

Doings of corporation confirmed.

SEC. 3. The width of said road shall be four rods, and the width of the travelled part thereof eighteen feet, except that said travelled part may be constructed in difficult places to the width of sixteen feet, not exceeding, however, eight rods in length in the whole.

Width of road prescribed.

SEC. 4. An act relating to the alteration of a part of the location of the Eighth Massachusetts Turnpike, passed on the seventh day of April, eighteen hundred and thirty-seven, is hereby repealed.

Act of April, 1837, relating to alteration, repealed.

[Approved by the Governor, April 2, 1838.]

CHAP. LIX.

An Act to repeal the charter of the Lafayette Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. An act entitled "an act to establish the Lafayette Bank," passed on the sixteenth day of April, in the year one thousand eight hundred and thirty-six, is hereby repealed : *provided*, that noth-

Repealing act specified, &c.

ing contained in this act shall be so construed as to release or absolve the said corporation, or any director or stockholder thereof, from any liability created by any provision of the act hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 2, 1838.]

CHAP. LX.

An Act to repeal the charter of the Commonwealth Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Repealing act
specified, &c.

SEC. 1. An act entitled "an act to incorporate the president, directors, and company of the Commonwealth Bank," passed February the twentieth, in the year one thousand eight hundred and twenty-four, and so much of an act entitled "an act to continue the banking corporations therein named, and for other purposes," passed February the twenty-eighth, in the year one thousand eight hundred and thirty-one, as continued said corporation for the purposes of banking, are hereby repealed: *provided*, that nothing in this act contained shall be so construed as to release or absolve the said corporation, or any director or stockholder thereof, from any liability created by any provisions of the acts hereby repealed.

Corporation not
exempted from
liabilities.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 2, 1838.]

CHAP. LXI.

An Act to incorporate the New Bedford Haydn Society.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Henry P. Willis, Edward L. White, Persons incorporated. Thomas B. White, their associates and successors, are hereby created a corporation by the name of the New Bedford Haydn Society, for the purpose of promoting education in the science and practice of music. And said corporation may acquire and hold Estate. real estate not exceeding in value five thousand dollars, to be appropriated exclusively to the purpose aforesaid.

SEC. 2. The said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

[Approved by the Governor, April 3, 1838.]

CHAP. LXII.

An Act authorizing Daniel Prescott and David Chapin to extend their Wharf.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The proprietors of North Liverpool Wharf, Daniel Prescott and David Chapin, are hereby authorized and empowered to extend said wharf straight May extend wharf to line established by the act, &c.

into the harbor channel as the same now runs to the line established by an act entitled "an act to preserve the harbor of Boston and prevent encroachments therein," passed April nineteenth, in the year one thousand eight hundred and thirty-seven; and they shall have the right and privilege of laying vessels at the sides and end of said wharf extended as aforesaid, and of receiving dockage and wharfage therefor: *provided*, that so much of their wharf as shall be erected under this act shall be built on piles, and that this grant shall in nowise interfere with the legal rights of any person or persons whatever.

Wharf so extended to be built on piles.

[Approved by the Governor, April 4, 1838.]

CHAP. LXIII.

An Act to increase the Salaries of the Judge and Register of Probate for the county of Dukes County.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Salaries established.

From and after the passing of this act the Judge of Probate for the county of Dukes County, shall receive for his services an annual salary of one hundred dollars; and the Register of Probate for the same county shall receive for his services an annual salary of one hundred and fifty dollars, payable as provided in the fifty-first section of the eighty-third chapter of the Revised Statutes; any thing in the forty-ninth section of the said chapter to the contrary notwithstanding.

[Approved by the Governor, April 4, 1838.]

CHAP. LXIV.

An Act concerning the Fishing Insurance Company
of Provincetown.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The Fishing Insurance Company of Provincetown is hereby authorized to take, on any one risk, a sum not exceeding one tenth part of its capital stock. Amount to be taken on one risk.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 4, 1838.]

CHAP. LXV.

An Act authorizing the Proprietors of Union Wharf,
in the Harbor of Holmes' Hole, to extend the same.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The proprietors of Union Wharf, in the harbor of Holmes' Hole, are hereby authorized to extend their wharf in the direction in which said wharf now runs, into said harbor, until the end thereof shall be in sixteen feet water: *provided*, that such extension shall not interfere with the legal rights of any person whatsoever. How far wharf may be extended.

[Approved by the Governor, April 4, 1838.]

CHAP. LXVI.

An Act authorizing Edmund P. Dolbeare to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

May extend wharf to the line established by the act, &c.

Edmund P. Dolbeare, the proprietor of the wharf next north of Liverpool wharf, is authorized and empowered to extend the said wharf straight into the harbor channel, as the same now runs, to the line established by an act to preserve the Harbor of Boston, and prevent encroachments therein, passed April nineteenth in the year one thousand eight hundred and thirty-seven ; and he shall have the right and privilege of laying vessels at the sides and end of said wharf extended as aforesaid, and of receiving dockage and wharfage therefor: *provided*, that so much of this wharf as shall be extended by this act, extending from low-water mark to the above-named line, shall be built on piles, and that this grant shall in no wise interfere with the legal rights of any person or persons whatever.

What part to be built on piles.

[Approved by the Governor, April 4, 1838.]

CHAP. LXVII.

An Act to annex a part of No Town to the town of Princeton.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. All that part of the unincorporated lands

of No Town, in the county of Worcester, which is included within the following bounds, viz. beginning at a stake and stones, on the line between No Town and Leominster, it being the northeast corner of a lot of land in No Town, belonging to John Whitney, and running on said line south, thirty-three degrees west, two hundred and ninety-seven rods, to a stone monument, it being the southeast corner of No town, the southwest corner of Leominster, the northwest corner of Sterling, and the northeast corner of Princeton ; thence north, fifty-two degrees and thirty minutes west, on the line between No Town and Princeton, eight hundred and thirty rods, to a stone monument in the line of the town of Westminster, it being the southwest corner of No Town and the northwest corner of Princeton ; thence north, fifty-two degrees and thirty minutes east, on the line between No Town and Westminster, two hundred and twenty-four rods, to a large rock in an angle in the last mentioned line ; thence south, sixty-eight degrees and twelve minutes east, forty-four rods, to a stake and stones, by land of Mr. Osgood ; thence north, fifty-four degrees and fifteen minutes east, on the line of said Osgood's land, eighty-eight rods to a stake and stones, at the northwest corner of Mr. Hadley's land ; thence south, seventy degrees and twenty-five minutes east, on the north line of said Hadley's land, one hundred and twenty-six rods, to a stake and stones on land of Charles Grout ; thence south, seventeen degrees and twenty minutes east, on the line between said Hadley's and Grout's land, seventy rods and a half, to a stake and stones at an angle in said line ; thence south, fifty degrees and thirty minutes east, through land of said Hadley and others, five hundred rods, to the place of beginning,—is

Dividing lines described.

April 4, 1838.

hereby annexed to and made part of the town of Princeton, in said county.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 4, 1838.]

CHAP. LXVIII.

An Act authorizing Robert Robbins and Shephard Robbins to extend their Wharf.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

May extend wharf to the lines established by the act, &c.

The Proprietors of South Liverpool Wharf, Robert Robbins and Shephard Robbins, are hereby authorized and empowered to extend said wharf straight into the harbor channel, as the same now runs, to the line established by an act, entitled an act to preserve the Harbor of Boston, and prevent encroachments therein, passed April nineteenth, in the year one thousand eight hundred and thirty-seven; and they shall have the right and privilege of laying vessels at the south side and end of said wharf, extended as aforesaid, and of receiving dockage and wharfage therefor : *provided*, that so much of their wharf as shall be erected under this act shall be built on piles, and that this grant shall in no wise interfere with the legal rights of any person or persons whatever.

Wharf, so extended, to be built on piles.

[Approved by the Governor, April 4, 1838.]

CHAP. LXIX.

An Act to repeal the Charter of the Franklin Bank.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. An act, entitled “an act to incorporate the President, Directors and Company of the Franklin Bank in Boston,” passed March the eighth, in the year one thousand eight hundred and twenty-eight ; so much of an act, entitled “an act to continue the banking corporations therein named and for other purposes,” passed February the twenty-eighth, in the year one thousand eight hundred and thirty-one, as continued the said corporation for the purposes of banking, and an act, entitled “an act to increase the capital stock of the Franklin Bank,” passed February the eighth, in the year one thousand eight hundred and thirty-two, are hereby repealed : *provided*, that nothing in this act contained shall be so construed as to release or absolve the said corporation, or any director or stockholder thereof, from any liability created by any provisions of the acts hereby repealed.

Repealing act
specified, &c.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 4, 1838.]

CHAP. LXX.

An Act to repeal the Charter of the Middlesex Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Repealing act
specified, &c.

SEC. 1. An act, entitled "an act to incorporate the President, Directors and Company of the Middlesex bank," passed March the nineteenth, in the year one thousand eight hundred and thirty-one, is hereby repealed : *provided*, that nothing in this act contained shall be so construed as to release or absolve the said corporation, or any director or stockholder thereof, from any liability created by any provisions of the act hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 4, 1838.]

CHAP. LXXI.

An Act to empower the town of Nantucket to raise money for the payment of County Expenses, and for other purposes.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The town of Nantucket is hereby empowered to raise such sums of money as may be necessary for defraying the expenses of the county of Nantucket ; and the doings of the said town, in raising, assessing and collecting sums of money for

defraying the expenses of the county of Nantucket, are hereby ratified and confirmed.

SEC. 2. The aforesaid town may make such compensation to the members of its Fire Department as it may deem fit.

May make compensation to members of fire department.

[Approved by the Governor, April 6, 1838.]

CHAP. LXXII.

An Act to incorporate the Westville Manufacturing Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. Moses Plimpton, Samuel H. Judson, and John Seabury, their associates and successors, are hereby made a manufacturing corporation, by the name of the Westville Manufacturing Company, for the purpose of manufacturing cotton goods in the towns of Southbridge and Sturbridge, in the county of Worcester ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorporated.

Goods to be manufactured.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of one hundred and twenty-five thousand dollars.

Estate.

SEC. 3. This act shall take effect from and after its passage.

[Approved by the Governor, April 6, 1838.]

CHAP. LXXIII.

An Act in addition to an Act to provide for the confinement of Idiots and Insane Persons.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

To whom application to be made.

SEC. 1. Whenever application shall be made to two justices of the peace, one of whom shall be of the quorum, for the confinement of any idiot, lunatic, or insane person, not furiously mad, in pursuance of the provision of the second section of "an act to provide for the confinement of idiots and insane persons," passed on the thirteenth day of April, in the year one thousand eight hundred and thirty-six, the justices to whom such application is made, shall, upon the request of the person complained against, issue their warrant to the sheriff, or any deputy of the sheriff in their county, to summon a jury of six lawful men, to hear and determine the question, whether the person complained against is an idiot, or lunatic, or insane, and not furiously mad as aforesaid.

Jury of examination.

Powers and duties of justices pointed out.

SEC. 2. The provisions of the second, third, fourth and fifth sections of "an act concerning lunatics," passed the nineteenth day of April, in the year one thousand eight hundred and thirty-six, shall apply to trials by jury herein provided for; and the justices aforesaid shall have all the powers, and perform all the duties devolved upon the judges named in said act, by the second, third, fourth and fifth sections of the same.

In what case lunatic or insane person may be discharged.

SEC. 3. Any lunatic or insane person confined in any jail, or house of correction, by authority of a

certificate of the trustees of the State Lunatic Hospital, according to the provisions of the fifteenth section of the forty-eighth chapter of the Revised Statutes, may be discharged therefrom by the county commissioners of the several counties respectively, whenever the cause of confinement shall have ceased to exist. And said commissioners, whenever, in their opinion, such lunatic or insane person can, in in such manner, be more comfortably provided for, and the safety of the public will not be endangered thereby, may provide for his custody and support in other places than in said jails and houses of correction, or may deliver him to the custody and care of any city, or town, in which he may have a legal settlement, the said lunatic or insane person still continuing subject to the order and direction of said commissioners. The expense of so providing for such lunatic or insane person shall be reimbursed in the same manner, and recovered by the same remedies, as are provided in the sixteenth section of the forty-eighth chapter of the Revised Statutes: *provided*, that in no case shall the sum charged for such provision exceed two dollars and fifty cents per week.

Commissioners
may change
place of confine-
ment.

Expenses, how
reimbursed.

SEC. 4. This act shall take effect from and after its passage.

[Approved by the Governor, April 6, 1838.]

CHAP. LXXIV.

An Act to incorporate the Archimedian Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Andrew Morse, Jr., Ebenezer Allen, Abraham Millet, their associates and successors, are hereby made a corporation, by the name of the Archimedian Company, for the purpose of manufacturing machinery invented and improved by Andrew Morse, Jr., in the county of Suffolk ; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of twenty thousand dollars ; and the whole capital stock of said corporation shall not exceed the amount of sixty thousand dollars.

[Approved by the Governor, April 6, 1838.]

CHAP. LXXV.

An Act to incorporate the Howard Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incor-
porated.

SEC. 1. Hezekiah Barnard, Matthew Crosby and Timothy Hussey, their associates and successors,

are hereby made a corporation, by the name of the Howard Insurance Company, to be established in the town of Nantucket, in the county of Nantucket, for the purpose of making maritime loans, and insurance against maritime losses, in the customary manner; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, for the term of twenty years.

SEC. 2. The said corporation may hold any es- Estate.
tate, real or personal, for the use of said corporation: *provided*, that the real estate shall not exceed the value of fifty thousand dollars, excepting such as may be taken for debt, or held as collateral security for money due to said company.

SEC. 3. The capital stock of said company shall Capital stock.
be seventy-five thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be collected and paid in, in such instalments, and under such provisions and penalties, as the president and directors of said company shall order and direct.

[Approved by the Governor, April 6, 1838.]

CHAP. LXXVI.

An Act authorizing William Foster and Leonard Foster to extend their wharf in Boston Harbor.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

William Foster and Leonard Foster, proprietors of wharves called Foster's wharves, and lying on May extend wharves to the line established by the act, &c.

Broad street near Fort Hill, are hereby authorized to extend their said wharves towards the channel, to the line established by an act entitled "an act to preserve the harbor of Boston, and to prevent encroachments therein," passed on the nineteenth day of April, eighteen hundred and thirty-seven. And in conformity with the last article of an agreement made between the city of Boston and said William and Leonard Foster, dated the eighteenth day of May, eighteen hundred and thirty-seven, signed and sealed by the respective parties, and attested and recorded with the Suffolk Deeds, Lib. 20, Fol. 137, May 19th, 1837, in the words following: "And it is further mutually covenanted and agreed, that, whenever said Foster's wharf shall be extended towards, or down to the line of the harbor, prescribed by the late act of the Legislature, the same shall be extended in such manner, as not to project northwardly beyond the line of the southern side of Sconce lane, above described, but shall be extended on that line." And that they shall have the right and privilege of laying vessels at the sides and ends of said wharves, and of receiving dockage and wharfage therefor: *provided*, that so much of said wharves as shall be erected under this act, shall be built on piles, and that this grant shall in nowise interfere with the legal rights of any person or persons whatever.

Agreement quoted between city of Boston and William Foster and Leonard Foster.

Wharves so extended to be built on piles.

[Approved by the Governor, April 6, 1838.]

CHAP. LXXVII.

An Act to increase the Capital Stock of the New
England Glass Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The New England Glass Company are hereby authorized to increase their capital stock by adding thereto one hundred thousand dollars, to be divided into shares of five hundred dollars each, to be paid in such instalments as the president and directors of said company shall order.

Amount of additional stock.

[Approved by the Governor, April 6, 1838.]

CHAP. LXXVIII.

An Act authorizing Ward M. Parker and Ephraim Eldridge to extend their Wharf in Little Harbor, Wood's Hole.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Ward M. Parker and Ephraim Eldridge are hereby authorized to extend their wharf, situated in Little Harbor of Wood's Hole, in the town of Falmouth, one hundred and thirty feet : *provided*, such extension shall not infringe on the legal rights of any person or persons whatsoever.

How far to be extended.

[Approved by the Governor, April 6, 1838.]

CHAP. LXXIX.

An Act to annex a tract of unincorporated land to the town of Otis.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Dividing lines described.

SEC. 1. All that part of the unincorporated tract of land in the county of Berkshire, called "East Eleven Thousand Acres," which lies within the following bounds, viz.—beginning at a stone monument at the southwest corner of the town of Otis, on the east line of Sandisfield, and running south on said line two hundred and thirty-six rods to a stake and stones in the north line of David Spear's land ; thence south seventy degrees east, thirty-six rods on the line of said David Spear's land to an angle in said line at a stake and stones ; thence north eighty-eight degrees east, on said Spear's line sixty-seven rods to a stake and stones, being the northeast corner of said Spear's land ; thence due east through land of Lester Cotton to the centre of Farmington river ; thence northerly up the centre of said river being the line between this tract and the town of Tolland, to the south line of the town of Otis ; thence north eighty-one degrees west, on the line of Otis, one hundred and forty rods to the place of beginning ; containing two hundred and twenty acres,—is hereby annexed to, and made part of the town of Otis in said county of Berkshire.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 9, 1838.]

CHAP. LXXX.

An Act to provide for the appointment of additional Watchmen, for the protection of the State House.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The sergeant-at-arms, in addition to the Watchmen which he is required to appoint by the sixty-first section of the thirteenth chapter of the Revised Statutes, may, from time to time, appoint such additional watchmen as may, in his judgment, be necessary for the purposes, and subject to the regulations of the sixty-first and sixty-second sections of said chapter, except that the additional watchmen so appointed shall not be authorized to appoint assistants ; and said watchmen shall receive such compensation for their services as the sergeant-at-arms shall think proper, not exceeding one dollar for each day or night, for each watchman so employed, to be paid in the manner now provided for the payment of salaries of watchmen.

Sergeant-at-arms may appoint, &c.

Additional watchmen not to appoint assistants.

Sergeant-at-arms to determine compensation, not to exceed, &c.

[Approved by the Governor, April 9, 1838.]

CHAP. LXXXI.

An Act to incorporate the Abington Mining Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Benjamin Hobart, Asaph Dunbar, and Isaiah Noyes, their associates and successors, are

Persons incorporated.

hereby made a corporation by the name of the Abington Mining Company, for the purpose of digging and mining for coals and other minerals in the counties of Plymouth and Bristol, and of converting the same to useful purposes, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

Capital.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of sixty thousand dollars; and the whole capital of said corporation shall not exceed the sum of one hundred thousand dollars.

[Approved by the Governor, April 9, 1838.]

CHAP. LXXXII.

An Act concerning the Register of Deeds for the county of Bristol.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Register of Deeds for the northern district of the county of Bristol, shall, on demand, deliver at his office, to the custody of the Register of Deeds for the southern district in said county, all the original deeds, recorded and remaining in the office of the former, conveying or relating to land or estates situate within the precinct of the latter.

[Approved by the Governor, April 9, 1838.]

CHAP. LXXXIII.

An Act to incorporate the Plymouth Iron Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. Nathaniel Russell, Barnabas Hedge, and Nathaniel M. Davis, their associates and successors, are hereby made a body corporate, by the name of the Plymouth Iron Company, for the purpose of making and manufacturing iron in all its branches, and also copper and steel, and machinery, and using and improving the same, in Plymouth, in the county of Plymouth; and, for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Persons incorpo-
rated.

SEC. 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of eighty thousand dollars; and the whole capital stock of said corporation shall not exceed the sum of two hundred thousand dollars.

Estate.

Capital stock.

[Approved by the Governor, April 9, 1838.]

CHAP. LXXXIV.

An Act in addition to An Act to incorporate the First Christian Union Society in Troy.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

The First Christian Union Society in Troy shall

have power to assess the pews in their meeting-house, in Fall River, for the support of public worship, and the payment of all necessary parochial charges.

[Approved by the Governor, April 9, 1838.]

CHAP. LXXXV.

An Act to incorporate the Trustees of the Putnam Free School in Newburyport.

WHEREAS Oliver Putnam, late of Boston, deceased, by his last will and testament, bequeathed the sum of fifty thousand dollars for the establishment and support of a free English School in Newburyport, in the county of Essex: therefore,

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SEC. 1. Caleb Cushing, Edward S. Rand, Daniel Dana, William B. Bannister, Josiah Little, Ebenezer Stone, Henry Johnson, and Roger S. Howard, and their successors, are hereby made a corporation, by the name of the Trustees of the Putnam Free School, to be established in the town of Newburyport, in the county of Essex, with all the powers and privileges, and subject to all the restrictions and limitations, set forth in the forty-fourth chapter of the Revised Statutes, with the liberty of holding and managing real and personal estate, the net income of which shall not exceed six thousand dollars, to be applied exclusively to the purpose of education, in conformity with the provisions in the will of Oliver Putnam, late of Boston, deceased.

Amount bequeathed.

Persons incorporated.

Income not to exceed, &c.

SEC. 2. The treasurer of said trustees shall give bond, to their satisfaction, for the security of all moneys, papers and funds, belonging to said trust, which may come to his hands, as well as for the faithful discharge of the duties of his office.

Treasurer to give bond.

SEC. 3. The said trustees may remove any member of their board, when disqualified by age or otherwise to discharge the duties of his said office, by vote of two thirds of the other members, and by a similar vote shall fill any vacancy in their board, under the limitation and in the manner provided in the will of the said Putnam.

Trustees may remove members of their board.

May fill vacancies.

[Approved by the Governor, April 9, 1838.]

CHAP. LXXXVI.

An Act to authorize the Proprietors of Sargent's Wharf to extend the same.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. The proprietors of Sargent's Wharf, in the city of Boston, are hereby authorized and empowered to extend their said wharf towards the channel, to the line established by the General Court, by an act, entitled "an act to preserve the harbor of Boston, and prevent encroachments therein," passed on the nineteenth day of April, eighteen hundred and thirty-seven ; and they shall have and enjoy the right and privilege of using and occupying the flats adjacent to said wharf, when so extended, at the end and at the sides thereof, in the same manner in which they have hitherto occupied

May extend wharf to the line established by the act, &c.

Not to extend wharf, or use flats on south side beyond line prescribed.

Not to extend wharf, or occupy flats on north side beyond line prescribed.

and enjoyed the flats and docks adjoining said wharf as it now is: *provided*, that neither the said proprietors, nor their assigns, shall have, or claim any right to extend the said wharf, or to use and occupy the flats which shall be on the south side of said wharf when so extended, beyond a line, drawn in continuation of the boundary line dividing the lands and flats of the petitioners from the lands and flats of the proprietors of Wilkinson and Pratt's Wharf, so called, or have or claim any right to extend the said Sargent's Wharf, or to use and occupy the flats which shall be on the north side of said Sargent's Wharf, when so extended, beyond a line drawn about eastwardly, from the middle of a line extending from the northern boundary line of the lands of the proprietors of said Sargent's Wharf, to the southern boundary line of the lands of the proprietors of Union Wharf, so called, through the point at which said boundary lines, when extended, will intersect each other.

SEC. 2. Nothing herein contained shall be so construed, as to authorize the said proprietors to lessen or injure the rights or property of any other person or persons whatsoever.

[Approved by the Governor, April 9, 1838.]

CHAP. LXXXVII.

An Act in addition to An Act to incorporate the Proprietors of the Independent Congregational Church in Barton Square, in Salem.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The third section of said act of incorporation, passed on the twenty-sixth day of January, in the year one thousand eight hundred and twenty-five, is so altered, as to substitute one year instead of two, in the provision for the forfeiture and sale of delinquent pews.

Time provided for forfeiture of delinquent pews altered.

SEC. 2. Nothing contained in this act shall be so construed, as to affect any rights already existing under the act to which this is in addition.

[Approved by the Governor, April 9, 1838.]

CHAP. LXXXVIII.

An Act to authorize the sale of Ministerial Lands by the West Parish in Haverhill.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The West Parish in Haverhill is hereby authorized to sell the several tracts of land owned by said parish, lying in said town, and the treasurer of said parish, for the time being, is authorized to execute a deed or deeds to convey the same.

Treasurer to execute deeds.

SEC. 2. The proceeds of the sale of said lands

Proceeds, how
directed to be
invested, &c.

shall be invested in such manner as said parish shall direct: *provided*, that the income only, and no part of the principal, shall be applied for the support of the ministry in said parish.

[Approved by the Governor, April 9, 1838.]

CHAP. LXXXIX.

An Act to annex a tract of unincorporated land to the town of Williamstown.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Dividing line
described.

SEC. 1. The tract of unincorporated land in the county of Berkshire, bounded on the west by the state of New York, by a line extending one thousand eight hundred and eight rods; on the south by the town of Hancock, by a line of four hundred rods; and on the east by the town of Williamstown, by a line extending one thousand seven hundred and seventy-six rods, containing two thousand two hundred and twenty acres,—is hereby annexed to, and made part of the town of Williamstown.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 9, 1838.]

CHAP. XC.

An Act to annex a part of the town of Holden to the town of Paxton.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The tract of land in the town of Holden, containing about ten acres, and bounded as follows:—beginning at the stone monument in the line of Stephen Sweetser's land ; thence north seventy-seven degrees east and eighty rods, to a stone monument in Samuel D. Harrington's pasture ; thence north twelve degrees west, twenty rods, to a stone monument erected as a town boundary ; thence south seventy-seven degrees and forty-five minutes west, about eighty rods, to a stake and stones by land of said Sweetser ; thence south thirteen degrees east, to the point of beginning ; the said tract being a part of the farm of the said Samuel D. Harrington,—is hereby set off from the town of Holden and annexed to the town of Paxton.

Dividing lines described.

[Approved by the Governor, April 9, 1838.]

CHAP. XCI.

An Act to incorporate the Pacific Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Alexander Clark, George T. Baker, and

Persons incorporated.

Goods to be manufactured.

Ward M. Parker, their associates and successors, are hereby made a corporation, by the name of the Pacific Manufacturing Company, for the purpose of manufacturing cotton and woollen goods in the town of Falmouth, in the county of Barnstable; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Real estate.

Capital stock.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of twenty thousand dollars; and the whole capital stock of said corporation shall not exceed the sum of fifty thousand dollars.

[Approved by the Governor, April 9, 1838.]

CHAP. XCII.

An Act relating to the composition of Debts by Executors and Administrators.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Executor or administrator may compound.

SEC. 1. When any debtor of a deceased person shall be unable to pay all his debts, the executor or administrator, with the approbation of the judge of probate, may compound with such debtor and give him a discharge, upon receiving a fair and just dividend of his estate and effects, or such part of said debt, instead of the whole thereof, as the judge of probate may deem beneficial to those interested in the estate of said deceased person.

SEC. 2. That the tenth section of the sixty-fifth chapter of the Revised Statutes be and the same is hereby repealed.

[Approved by the Governor, April 9, 1838.]

CHAP. XCIII.

An Act to extend the term of the American Insurance Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. The term for which the American Insurance Company was incorporated, is hereby extended for the further period of twenty years from the expiration of the original term, for the purpose of insuring against maritime losses, and losses by fire, and of making maritime loans ; and shall have all the powers and privileges, and be subject to all duties, restrictions and liabilities set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and an act concerning insurance companies, passed on the tenth of March, eighteen hundred and thirty-eight. Term extended.

SEC. 2. The said company may hold real estate not exceeding one hundred thousand dollars. Estate.

SEC. 3. The said company is allowed two years from the expiration of its original term, to change the investment of their capital, and re-invest the same according to law. Term extended to change investment of capital.

[Approved by the Governor, April 9, 1838.]

CHAP. XCIV.

An Act to annex a tract of unincorporated land to the town of Sandisfield.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Dividing lines described.

SEC. 1. All that part of the unincorporated tract of land in the county of Berkshire, called "East Eleven Thousand Acres," which lies within the following bounds, namely :—beginning at a stake and stones on the east line of Sandisfield, and on the north line of David Spear's land, being the southwest corner of a tract of land annexed to the town of Otis ; thence running south on the line of Sandisfield, about six hundred and fourteen rods to the centre of Farmington river ; thence easterly and northerly up the centre of said river, being the line of Tolland, to the southeast corner of the tract of land annexed to Otis ; thence due west through land of Lester Cotton, sixty rods to a stake and stones, being the northeast corner of David Spear's land ; thence south eighty-eight degrees west on the line of said Spear's land sixty-seven rods to a stake and stones ; thence north seventy degrees west on said Spear's line thirty-six rods to the place of beginning,—is hereby annexed to, and made part of the town of Sandisfield in said county of Berkshire.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 9, 1838.]

CHAP. XCV.

An Act to authorize the Boston and Lowell Railroad Corporation to increase their Capital Stock.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The Boston and Lowell Rail-road Corporation are hereby authorized to increase their capital stock to an amount not exceeding three hundred thousand dollars beyond their present capital, in shares of five hundred dollars each. Amount increased.

SEC. 2. When the said corporation shall have completed their second track, they shall compel all engines and cars going in a northerly direction to keep upon one track, and all engines and cars going in a southerly direction to keep upon the other. Engines and cars compelled to go in direction specified.

SEC. 3. Whenever, by reason of accident, or other unavoidable cause, one track shall be out of repair, it shall then be lawful for said corporation to allow the engines and cars to pass and repass on the same track: *provided*, that the corporation use all due diligence to put the said road in repair. May be allowed to go on one track, when necessary, &c.

[Approved by the Governor, April 10, 1838.]

CHAP. XCVI.

An Act to unite the Nashua and Lowell Rail-road Corporations of Massachusetts and New Hampshire.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Stockholders of both corporations united.

SEC. 1. The stockholders of the Nashua and Lowell Rail-road Corporation, incorporated by the Legislature of the State of New Hampshire, in the year one thousand eight hundred and thirty-five, are hereby constituted stockholders of the Nashua and Lowell Rail-road Corporation, incorporated by the Legislature of this Commonwealth, in the year one thousand eight hundred and thirty-six ; and the said two corporations are hereby united into one corporation, by the name of the Nashua and Lowell Rail-road Corporation ; and all the tolls, franchises, rights, powers, privileges and property granted or to be granted, acquired or to be acquired, under the authority of the said States, shall be held and enjoyed by all the said stockholders in proportion to their number of shares in either or both of said corporations.

Stockholders to transact their business as one corporation.

SEC. 2. The said stockholders shall hold their meetings, make their by-laws, appoint their officers, and transact all their business, as one corporation : *provided*, that one or more of the officers of said corporation shall be resident in this Commonwealth, and one or more of them in the State of New Hampshire, on whom process against said corporation may be legally served, in either State, and that said corporation shall be held to answer in the jurisdiction

Officers of said corporation to be in part residents of this Commonwealth and part in New Hampshire.

To be liable to be served with process against

where the service shall be made, and the process is returnable. the corporation, in either state, &c.

SEC. 3. The share or shares of any stockholder in said corporation shall be liable to attachment, and to be taken on execution in the State where such stockholder shall reside at the time of the service of the process : *provided*, that an attested copy of the writ or execution, and of the officer's return, shall, at the time of the service, be left with the clerk, or a director of the corporation, or at his usual place of abode, by the officer making the service. Shares, when liable to attachment, &c.

SEC. 4. The said corporation shall so make out and keep an account of the expenditures on said road from its commencement to its completion, as clearly to exhibit what portion thereof belongs to that part of said road situated in Massachusetts, and what portion to that part in New Hampshire. Account of expenditures, how to be kept.

And two commissioners shall be appointed, one by the Governor of each State, to hold their offices for the term of four years, and to be reasonably compensated for their services by said corporation, who shall ascertain what proportion of expenditures on said road, and of the other expenses attending its construction, maintenance and use, also what proportion of the receipts and profits of said rail-road shall properly appertain and belong to the portions of said road in each state respectively. And the annual report required to be made by the directors to the Legislature of this Commonwealth, shall be approved by the said commissioners. Commissioners to be appointed.
Compensation to be allowed them.
Proportion of expenses to be borne by each State.
Annual report of directors to be approved by commissioners.

SEC. 5. The said corporation, so far as their road is situated in Massachusetts, shall be subject to the general laws of the State, to the same extent as the Nashua and Lowell Rail-road Corporation, established by its Legislature in the year one thousand

eight hundred and thirty-six, would be, if this act had not been passed.

Act, when to
take effect.

SEC. 6. This act shall not take effect until the Legislature of the State of New Hampshire shall have passed an act similar to this, uniting the said stockholders into one corporation ; nor until said acts shall have been accepted by the said stockholders at a meeting duly called for that purpose ; at which meeting, the said stockholders may ratify and confirm all or any of their former doings, and adopt them as the acts and proceedings of the said united corporation.

[Approved by the Governor, April 10, 1838.]

CHAP. XCVII.

An Act to annex a part of No Town to the town of Westminster.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Dividing lines
described.

SEC. 1. All that part of the unincorporated lands of No Town, which is included within the following bounds, viz.—beginning at a large rock, at an angle in the line between Westminster and No Town ; thence south, sixty-eight degrees and twelve minutes east, forty-four rods, to a stake and stones, by land of Mr. Osgood ; thence north, fifty-four degrees and fifteen minutes east, on the line of said Osgood's land, eighty-eight rods, to a stake and stones, at the northeast corner of Levi Hadley's land ; thence south, seventy degrees and twenty-five minutes east, on the northerly line of said Hadley's land, one

hundred and twenty-six rods, to a stake and stones on land of Charles Grout ; thence south, seventeen degrees and twenty minutes east, on the line between said Hadley's and Grout's land, seventy rods and a half, to a stake and stones at an angle in said line ; thence south, fifty degrees and thirty minutes east, through land of said Hadley, one hundred rods, more or less, to a stake and stones ; thence north, fourteen degrees east, to a stake and stones lately erected by the commissioners appointed to view the unincorporated lands in Massachusetts ; thence on the same course, between the lands of Lowe and others on the west, and the lands of Hayden and others on the east, to a stake and stones on the south line of the town of Fitchburg ; thence north, seventy-eight degrees and forty minutes west, on the south line of Fitchburg, four hundred and eleven rods, to a stone monument at Westminster line, being the southwest corner of Fitchburg, and the northwest corner of No Town ; thence south, ten degrees west, on the line between Westminster and No Town, six hundred rods, to the aforesaid large rock,—is hereby annexed to and made part of the town of Westminster, in the county of Worcester.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 10, 1838.]

CHAP. XCVIII.

An Act concerning the Ownership of Shares in Corporations.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

No executor, &c.
to be subject to
liability as stock-
holder, &c.

SEC. 1. No persons holding stock in any corporation, as executors, administrators, guardians or trustees, shall be personally subject to any liabilities as stockholders of such corporation; but the estates and funds in the hands of such executors, administrators, guardians and trustees, shall be liable in their hands in like manner, and to the same extent, as the deceased testator or intestate, or the ward or person interested in such trust fund would have been, if they had respectively been living and competent to act, and had held the same stock in their own names: *provided*, that this act shall not be construed to affect or impair any right heretofore acquired by any person against a holder of stock in any corporation by force of the laws of this Commonwealth, but all existing liabilities of such stockholders under any preceding act, shall be adjudged and determined upon as if this act had not been passed.

Proviso.

Executors, &c.
may vote as
stockholders.

SEC. 2. Every such executor, administrator, guardian and trustee, shall represent the shares or stock in his hands at all meetings of the corporation, and may vote as a stockholder.

In transfers of
stock as collate-
ral security, debt
to be described,
&c.

SEC. 3. In all transfers of stock in any corporation hereafter made as collateral security, the debt or duty which such transfer is intended to secure, shall be substantially described in the deed or instrument of transfer; and any certificate of stock

which shall be issued to any pledgee or holder of such collateral security, shall express, on the face of it, that the same is so holden ; and the name of the pledger shall be stated therein, and he alone shall be responsible as a stockholder in said corporation.

SEC. 4. It shall be the duty of the treasurer or cashier, or of any other officer who has the lawful custody of the records of transfers of shares in any corporation, upon the written request of a creditor of the general owner of any stock pledged or transferred as aforesaid, to exhibit to him the record of such transfer ; and in case of refusal, and of any loss to such creditor by reason thereof, such corporation shall be liable to said creditor for the amount of such loss.

Record of transfer to be exhibited to creditors when required.

SEC. 5. This act shall take effect from and after its passage.

[Approved by the Governor, April 10, 1838.]

CHAP. XCIX.

An Act authorizing Rail-road Corporations to make certain contracts.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Any rail-road corporation, which has been or may be created by this Commonwealth, or by the concurrent acts of this Commonwealth and any other adjoining state, is hereby authorized to contract with any other rail-road corporation created as aforesaid, whose road enters upon or is connected with the road of the corporation so contracting, to

May make contracts for transportation.

do and perform all the transportation of persons and freight upon and over said rail-road, upon such terms and conditions as may be mutually agreed by the parties.

Copy of contract to be annexed to annual report.

SEC. 2. Any rail-road corporations which may make such contracts, shall append to their next annual reports a copy of said contracts, and shall, in their annual reports of their receipts and expenditures, specify their receipts and expenditures under said contracts; and the income arising from said contracts for transportation shall be subject to the provisions of law in regard to the right of the Commonwealth to reduce the tolls on said roads, or to purchase said roads, in the same manner as the income arising from the use of said roads is made subject.

Corporation to be liable for damages.

SEC. 3. In all cases where such contracts are made, the corporation owning the rail-road shall be liable for all damage done, or injury sustained, on their road, or in the use of the same, in the same manner, and to the same extent, that they would be liable, if they performed the transportation themselves.

Provisions of conveyance as security to Commonwealth.

SEC. 4. Whenever any rail-road corporation shall be required to convey, in pledge or mortgage, to the Commonwealth, their road, with the franchise and property to them belonging, to secure the Commonwealth for any loan made to them, or any debt owing or to become owing from them to the Commonwealth, the said conveyance shall by the terms of it be of the road, franchise and property of the corporation as it shall exist at the time of the execution of said conveyance, whether the said corporation shall have acquired a full title to the land upon which the road is authorized to be made or not, or whether

the road is then completed or not ; and said conveyance shall be in full force without any record thereof.

SEC. 5. Such conveyance shall, as against any claims or incumbrances to which the said road, franchise or property may be thereafter subjected, operate to cover and bind any lands, included within the location of the road, the title to which, or the easement upon which, shall be thereafter acquired, and any additions which shall be thereafter made to said road by labor, materials or otherwise, and any lands thereafter purchased and appropriated for depots for said road, or any buildings or fixtures placed thereon, and also any engines, cars or other apparatus, which may be placed upon said road, or procured therefor, as fully as if the said road had been completed, and all the said property acquired and owned by said corporation, at the time of the execution of such conveyance : *provided*, that such conveyance shall not be construed to include or affect any personal property which shall have been sold by said corporation to a bona fide purchaser before the Commonwealth shall take possession thereof, under said conveyance.

Conveyance,
how far to operate.

[Approved by the Governor, April 10, 1838.]

CHAP. C.

An Act concerning the Reports of the Decisions of the Supreme Judicial Court.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The reports of the decisions of the supreme judicial court, on all questions of law argued and deter-

mined before the first day of September in each year, shall be published on or before that day.

[Approved by the Governor, April 12, 1838.]

CHAP. CI.

An Act to prohibit the sale of Ardent Spirits to the Gay Head Indians.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Contracts for
sale to be void.

SEC. 1. All contracts made by the Indian, mulatto and negro proprietors, or inhabitants of Gay Head, in Dukes county, or by any person in their behalf, for the sale of wine, brandy, rum, or any other spirituous liquor, other than for the purposes of medicine, as prescribed by a regular physician, shall be wholly void ; and any person, who shall knowingly sell any of said liquors to any of said proprietors, or inhabitants, or to any person in their behalf, except by prescription as aforesaid, shall be liable to indictment therefor, and, upon conviction in any court of competent jurisdiction, shall pay a fine of not more than one hundred dollars, to the use of the Commonwealth.

Penalty for selling.

Persons purchasing for proprietors, &c. liable to penalty.

SEC. 2. Any person, who shall, on behalf of any proprietor or inhabitant aforesaid, purchase any wine, brandy, rum, or any other spirituous liquor, except by prescription, as aforesaid, shall forfeit and pay a fine as set forth in the preceding section.

[Approved by the Governor, April 12, 1838.]

CHAP. CII.

An Act to establish a Fire Department in the town of Dedham.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The selectmen of the town of Dedham shall, in the month of April, in each year, appoint as many engineers for the fire department of said town as they may think expedient: *provided*, such number so appointed shall not exceed nine, who shall hold their offices for one year from and after the first day of May next succeeding, and until others are appointed in their places.

Selectmen to appoint engineers.

Number of engineers.

The said selectmen are authorized and required to fill any vacancies in the said office of engineer; and the said engineers shall possess the same authority, and exercise the same powers, in relation to the extinguishment of fires, as firewards do, by law, possess and exercise.

Authorized to fill vacancies.

Authority of engineers.

SEC. 2. The said selectmen, immediately after the appointment of said engineers, shall issue a warrant to one of their number, requiring him to notify a meeting of the board of engineers, at such time and place as shall be designated in such warrant, at which meeting the said engineers shall elect from their number a chief engineer, a clerk, and such other officers as they may deem necessary for their complete organization.

Selectmen to issue warrant for meeting of engineers.

Organization of board of engineers.

SEC. 3. The said engineers be, and they are hereby, further authorized and required to exercise all the powers, and perform all the duties, in relation to the nomination and appointment of engine-men,

Engineers to appoint engine-men.

Privileges and exemptions of engineers and engine-men.

which the selectmen of said town have been heretofore by law authorized and required to exercise and perform; and said engineers, and all persons appointed by them pursuant to this act, shall be subject to the same duties, and entitled to the same privileges and exemptions, as engine-men are subjected and entitled to, when appointed by the selectmen: *provided, however*, that they shall not be exempted from military duty, unless they shall produce, to the commanding officer of the company, within whose bounds they reside, in the month of May, in each year, certificates of their appointment, signed by the chief engineer, or by the clerk of the board of engineers.

Number appointed to each company limited.

Company authorized to organize themselves and choose officers.

To establish rules, &c. subject to approval of board of engineers.

Penalty for violation of rules.

SEC. 4. The said engineers are hereby authorized to appoint such number of men to the engines, hook and ladder carriages, and to constitute a company for the securing of property when endangered by fire, as they shall think expedient: *provided*, that the number of men appointed to each hydraulion, or engine with suction hose, shall not exceed fifty men; to each common engine, thirty-five men; to the hook and ladder carriages, five men; and to the fire company, forty men: and the said engine, hook and ladder carriage men and fire company are authorized to organize themselves into distinct companies, to elect captains, clerks, and other necessary officers, to establish such rules and regulations as may be approved by the board of engineers, and to annex penalties to the breach of the same, which may be sued for and recovered by the clerk of any company so organized, before any court of competent jurisdiction, to be appropriated to the use of such company: *provided*, that no penalty shall exceed ten dollars: *and provided, further*, that such rules and

regulations be not repugnant to the constitution and laws of this Commonwealth.

SEC. 5. The said board of engineers shall have the care and superintendence of the public engines, hose, fire-hooks, ladder-carriages and ladders, together with the buildings, fixtures and appendages thereto belonging, and all the pumps, reservoirs for water, and all apparatus owned by the town of Dedham, and used for extinguishing fires, and shall cause the same to be kept in repair, and when worn out, to be replaced, and, from time to time, shall make such alterations therein and additions thereto as they shall deem necessary : *provided*, such alterations, additions and repairs shall not exceed, in any one year, the sum of one hundred dollars, unless said town of Dedham shall have authorized a larger appropriation.

Engineers to have charge of property belonging to fire department.

Amount of expenditure limited.

SEC. 6. The said board of engineers, at any meeting thereof, may establish such rules and ordinances as they may judge proper, to prohibit or regulate the carrying of fire, firebrands, lighted matches, or any other ignited materials, openly in the streets or thoroughfares of said town, or in such parts thereof as they may designate ; and to prohibit any owners or occupants of any buildings within said town, or such parts thereof as such board may designate, from erecting or maintaining any defective chimney, hearth, oven, stove or stove-pipe, fire-frame, or other fixture, deposit of ashes, or any mixture or other material, which may produce spontaneous combustion, or whatever else may give just cause of alarm, or may be the means of kindling or spreading fires.

Engineers to regulate carrying fire, &c. through streets.

To regulate erection of defective chimneys, &c.

And the said board of engineers may, from time to time, make and ordain rules and regulations for their own government, and for the conduct of citi-

May annex penalties for breach of rules.

Penalties recovered, how to be appropriated.

Regulations to be approved by inhabitants.

When to take effect.

zens present at any fire, and may annex penalties for the breach of any rule, regulation or ordinance, which they may have deemed expedient to make, not exceeding twenty dollars for any one breach thereof; and the same may be prosecuted for, and recovered by the chief engineer in his own name, before any court of competent jurisdiction; and all penalties so recovered shall be appropriated by said engineers to the improvement of the fire apparatus of said town: *provided*, such rules, regulations and ordinances shall not be repugnant to the constitution and laws of the Commonwealth, and shall not be binding until the same shall have been approved by the inhabitants of said town, in legal meeting, held for that purpose, and published in some newspaper printed in said town of Dedham.

SEC. 7. All laws inconsistent with the provisions of this act are hereby repealed, so far as they may apply to the said town of Dedham; and the provisions of this act shall not take effect, until the same shall have been accepted by a majority of the inhabitants of said town qualified to vote in town affairs, at a meeting legally notified for that purpose, and shall continue in force until modified or repealed by the Legislature of this Commonwealth.

[Approved by the Governor, April 12, 1838.]

CHAP. CIII.

An Act to establish the Old Colony Rail-road Corporation.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Alfred Gibbs, Joseph Grinnell, and Persons incorporated. James B. Congdon, their associates and successors, are hereby made a corporation, by the name of the Old Colony Rail-road Corporation, with all the powers and privileges, and subject to all the duties, liabilities and provisions contained in that part of the thirty-ninth chapter of the Revised Statutes, which Route of rail-road. relates to rail-road corporations, and in the forty-fourth chapter of said Revised Statutes ; and said corporation is hereby authorized and empowered to locate, construct, and finally complete a rail-road from the town of Taunton to the town of New Bedford, the course and direction of which shall be as follows : beginning at the southern termination of the Taunton Branch Rail-road ; thence southerly and easterly to Taunton river, crossing said river about a quarter of a mile above the Weir bridge ; thence southerly to the brick yards in said Taunton ; thence crossing the Pole Plain ridge, passing through the Bear swamp, about a half of a mile westerly of the new county road, so called, and continuing at about that distance from said county road to the Middleborough swamp, so called ; thence crossing the road near Bell's bridge, and passing east of the dwelling-house of Noah Ashley, and west of the Freetown furnace, and from thence along the easterly edge of Sassacomer pond, and running still southerly east of

Tarkill hill, west of the dwelling-house of William Hathaway, and near the dwelling-house of Hayden Coggeshall, to the intersection of Willis and Ray streets in New Bedford aforesaid.

Amount of stock.

SEC. 2. The capital stock of said corporation shall not exceed the sum of four hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and the said corporation may purchase and hold, in the name of the corporation, such real estate, materials, engines, cars, and other things as may be necessary for depots, for the use of said road, and for the transportation of persons, goods and merchandize.

Tolls may be altered by legislature.

SEC. 3. The Legislature may, after the expiration of five years from the time when the said railroad shall be opened for use, from time to time, alter or reduce the rate of tolls and other profits upon said road; but the said tolls shall not, without the consent of the corporation, be so reduced as to produce, with said profits, less than ten per cent. per annum.

Treasurer to issue scrip in aid.

SEC. 4. The treasurer of this Commonwealth is hereby authorized and directed to issue scrip or certificates of debt, in the name and behalf of the Commonwealth, under the hand of the said treasurer and the seal of the Commonwealth, for the sum of one hundred thousand dollars, bearing an interest of five per cent. per annum, payable semi-annually at the office of said treasurer, and redeemable at the same place at the expiration of fifteen years from the date of said certificates, which scrip or certificates shall be deemed to be a pledge of the faith and credit of the Commonwealth for the redemption thereof. And the said treasurer shall, under the conditions hereinafter provided, deliver the same to the treasurer of the said corporation, for the pur-

pose of enabling the said corporation to complete the said rail-road.

SEC. 5. When the said corporation shall have received, from assessments legally made, the sum of one hundred and fifty thousand dollars, and shall have expended one hundred thousand dollars in the construction of said road, or in the necessary appurtenances thereof, the said treasurer shall deliver to the treasurer of said corporation, scrip or certificates of debt, to be issued as aforesaid, to the amount of fifty thousand dollars; and when the said corporation shall have received, from assessments duly laid, the further sum of one hundred thousand dollars, and shall have expended the one half of said last named sum in the construction of said road, or in the necessary appurtenances thereof, in addition to the said sum of one hundred and fifty thousand dollars, the treasurer of the Commonwealth shall deliver to the treasurer of said corporation, scrip, or certificates of debt, to be issued as aforesaid, to the amount of fifty thousand dollars: *provided*, that before such scrip or certificates of debt shall be delivered as aforesaid, the said corporation shall furnish evidence satisfactory to the Governor and Council, that the conditions upon which it is to be delivered, as herein before provided, have been complied with.

Conditions on which the scrip is to be issued; when, and in what amounts.

SEC. 6. No part of said scrip shall be delivered to the treasurer of said corporation, until said corporation shall have executed to the Commonwealth, a bond in such form as the attorney general shall prescribe, conditioned that the said corporation shall faithfully expend the proceeds of said scrip, in the construction of the said road, or in the necessary appurtenances thereof, and shall indemnify and save harmless the Commonwealth from all loss or in-

Bond to be executed by corporation.

Property to be pledged to Commonwealth for security.

convenience on account of said scrip or certificates of debt, and that said corporation shall, and will pay the principal sum of the said scrip or certificates of debt, and the interest thereon, as the same shall fall due, respectively ; and shall also convey to the Commonwealth, by a suitable instrument, to be prepared for that purpose, under the direction of the attorney general, their entire road and its income, and all the franchise and property to them belonging, free of all prior incumbrance, as a pledge or mortgage, to secure the performance of all the conditions of said bond : *provided*, that the Commonwealth shall not take possession of said mortgaged property, unless for a substantial breach of some condition of said bond.

Time for completion of rail-road limited.

SEC. 7. If the said corporation shall not have been organized, and the location of the route filed with the county commissioners of the counties of Bristol and Plymouth respectively, within two years from the passage of this act, or if the said corporation shall fail to complete said road within three years from the passage of this act, then this act shall be void.

SEC. 8. This act shall take effect from and after its passage.

Amount to be set apart and paid to treasurer of Commonwealth for sinking fund.

SEC. 9. After the said road shall be open for use, a sum equal to one per cent. on the amount of all scrip issued as aforesaid, shall be annually set apart from the income of said road, and paid to the treasurer of the Commonwealth, and the whole thereof shall be by him placed at interest, and the same, with the interest annually accruing thereon, shall constitute a sinking fund for the future purchase and final redemption of all scrip advanced, and which shall be advanced by the Commonwealth to said corporation.

[Approved by the Governor, April 13, 1838.]

CHAP. CIV.

An Act to exempt towns and other corporations from liability for damages in certain cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

From and after the first day of September next, no town or other corporation shall be liable for damages for any deficiency in their highways or bridges, to any person whose carriage and load thereon shall exceed the weight of six tons.

[Approved by the Governor, April 13, 1838.]

CHAP. CV.

An Act concerning Schools.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. The school committees shall annually make a detailed report of the condition of the several public schools in their respective towns, designating particular improvements and defects in the methods or means of education, and stating such facts and suggestions in relation thereto, as in their opinion will best promote the interests and increase the usefulness of said schools ; which report shall be read in open town-meeting, in February, March, or April, in each year, or be printed and distributed for the use of the inhabitants, and shall be deposited in the office of the clerk of the town ; and

Committees to
report annually.

Report to be read
in town meeting.

Copy to be transmitted to secretary of the Commonwealth.

an attested copy thereof shall be transmitted by said school committee to the office of the secretary of the Commonwealth, with the official return now required by law.

Committees to select teachers.

SEC. 2. The school committees shall select and contract with the teachers for the town and district schools; any provision in the twenty-third chapter of the Revised Statutes to the contrary notwithstanding: *provided, however*, that the teachers may be selected and contracted with, by the prudential committees as heretofore, whenever the town shall so determine.

Proviso.

Committee to keep a record book.

SEC. 3. The school committee in each town shall be provided with a record book, in which all votes, orders and proceedings of the committee shall be duly recorded, and said record shall be delivered over by the committees, at the expiration of the year, to their successors in office.

Compensation of committee.

SEC. 4. The members of the school committees, except in the city of Boston, shall be paid, by their respective towns, one dollar each per day for the time they shall be actually employed in discharging the duties of their office, together with such additional compensation as the town may allow.

Form of returns to be prescribed by Board of Education.

SEC. 5. The form of the blanks, and the inquiries provided for by the statute of the year one thousand eight hundred and thirty-seven, chapter two hundred and twenty-seven, and the time when the same shall be returned into the office of the secretary of the Commonwealth, shall hereafter be prescribed by the Board of Education. And the school committees shall fill the blanks and answer the inquiries contained in such form, in the same manner and under the same provisions as they are now required by law to do.

SEC. 6. The Board of Education shall prescribe a blank form of a register, to be kept in all the town and district schools in the Commonwealth ; and the secretary of state shall forward a sufficient number of copies of the same to the school committees of the respective towns ; and said committees shall cause registers to be faithfully kept in all said schools, according to the form prescribed.

Board of Education to prescribe form of register to be kept in the several schools.

Secretary of state to forward copies of the same to committees.

SEC. 7. The abstract of the school returns shall be made up under the direction of the Board of Education, in the office of the Secretary of the Commonwealth.

Abstract of returns to be made in the office of the secretary of state.

SEC. 8. This act shall take effect from and after its passage.

[Approved by the Governor, April 13, 1838.]

CHAP. CVI.

An Act to annex part of No Town to the town of Leominster.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. All that part of the unincorporated lands of No Town which is included within the following bounds, viz.—beginning at a stake and stones, on the line between the towns of Leominster and No Town, it being the northeast corner of a lot of land belonging to John Whitney, of Princeton ; thence running north, fifty degrees and thirty minutes west, on the line of that part of No Town to be annexed to Princeton, about four hundred rods, to a stake and stones ; thence north, fourteen degrees east, on the

Dividing lines described.

line of that part of No Town to be annexed to Westminster, about seven hundred rods, to a stake and stones on the south line of the town of Fitchburg; thence south, seventy-eight degrees and forty minutes east, on the south line of Fitchburg, three hundred and twenty-five rods, to a stone monument, being the northeast corner of No Town, and the northwest corner of Leominster; thence in a southerly direction, by a line of many angles, running between No Town and Leominster, to a stake and stones at the place of beginning,—is hereby annexed to and made part of the town of Leominster.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 13, 1838.]

CHAP. CVII.

An Act in addition to an Act to provide for the better instruction of Youth employed in Manufacturing Establishments.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Persons, how to
avoid liability to
penalty.

No person shall be liable to the penalty provided in the act passed the sixteenth day of April, in the year one thousand eight hundred and thirty-six, entitled “an act to provide for the better instruction of youth employed in manufacturing establishments,” who shall, in each year, before employing any child under the age of fifteen years, as in said act mentioned, obtain and preserve a certificate, signed by the instructor of the school, where such child attend-

ed at least three months of the twelve months next preceding, as in said act is provided, that such child has received the instruction in said act intended to be secured, the truth of which certificate shall be sworn to by the said instructor before some justice of the peace for the county where such instructor resides; and upon said certificate shall also be certified the fact of such oath or affirmation by said justice.

Certificate to be sworn to.

[Approved by the Governor, April 13, 1838.]

CHAP. CVIII.

An Act authorizing Banks to surrender their charters.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The charter of any bank, incorporated within this Commonwealth, shall be annulled whenever the stockholders thereof, at a legal meeting called for that purpose, may, by a majority of votes, computed according to the provisions of the twenty-third section of the thirty-sixth chapter of the Revised Statutes, so determine : *provided*, that nothing herein contained shall be so construed as to exempt the stockholders from any liabilities imposed by the thirty-sixth and forty-fourth chapters of the Revised Statutes.

Charter may be annulled when so determined by vote of stockholders.

Stockholders not exempted from liabilities.

SEC. 2. Any bank which may avail itself of the provisions of the preceding section, shall be exempted from the liability to pay the bank tax, from and after the time a majority of the bank commissioners shall certify, under their hands, to the Governor, that

When banks may be exempted from liability to pay tax.

said bank may, with safety to the public, proceed to close its concerns, under the provisions of the seventh section of the forty-fourth chapter of the Revised Statutes.

[Approved by the Governor, April 13, 1838.]

CHAP. CIX.

An Act to incorporate the Mattapoisett Oyster Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Persons incor-
porated.

SEC. 1. Jabez Goodspeed, Joseph Meigs, Gideon Barstow, Joseph Meigs, Jr., Zaccheus M. Barstow, and Loring Meigs, and their associates and successors, are hereby made a corporation, by the name of the Mattapoisett Oyster Company, for the purpose of planting, propagating and digging oysters in Barlow's Pond and Creek, in the town of Rochester, commencing at high-water mark, on the beach, at the south end of said creek ; thence northerly, including the creek, to said Barlow's pond ; thence northerly, by said pond, ten rods ; thence southwest to Goodspeed's island ; and for that purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth and contained in the forty-fourth chapter of the Revised Statutes.

Place of planting
designated.

Corporation to
have exclusive
right for twenty
years.

SEC. 2. Said corporation shall have the exclusive right to use said creek and pond within the limits aforesaid, for the space of twenty years ; for the purpose of planting, propagating and digging oysters

and other shell-fish ; and if any person shall dig for, in said creek or pond, or take therefrom any oysters or other shell-fish, within the term aforesaid, without leave of said corporation, he shall forfeit and pay a fine, not exceeding five dollars for each offence, to the use of the complainant, to be recovered in any court proper to try the same.

Penalty for violation of rights of corporation.

[Approved by the Governor, April 13, 1838.]

CHAP. CX.

An Act to protect the Shell Fishery in Chelsea.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The provisions of the thirteenth section of the fifty-fifth chapter of the Revised Statutes shall be so altered and amended as to confer on the town of Chelsea the same protection in relation to the shell-fishery within said town, as is conferred on certain other towns therein named.

[Approved by the Governor, April 13, 1838.]

CHAP. CXI.

An Act to incorporate the Sandwich Buzzard's Bay Fishing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Edward B. Gibbs, Henry Gibbs, and Benjamin Bourne, their associates and successors, are

Persons incorporated.

Authority to regulate the alewife fishery.

hereby made a corporation, by the name of the Sandwich Buzzard's Bay Fishing Company, in the town of Sandwich, in the county of Barnstable, with authority to regulate the brook running through their lands, from Great Pond, through other smaller ponds, into Buzzard's Bay, in said Sandwich, so far as is necessary for the purpose of an alewife fishery; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Penalty for violations of act.

SEC. 2. If any person, without the permission of said corporation, shall take, catch, or haul on shore, any alewives in said brook, or within one eighth of a mile in any direction from the mouth of said brook, he shall forfeit and pay, for the use of said corporation, a sum not exceeding two dollars, for any quantity less than one barrel so taken, and the sum of five dollars for every barrel so taken, to be recovered in any court of competent jurisdiction.

Persons, not members of the incorporation, to be indemnified for damage.

SEC. 3. If any damage shall be done by said corporation to the property of any person not a member of said corporation, such person shall be entitled to damages, to be estimated in the same manner as damages occasioned by the laying out of highways.

Owners of adjoining lands may become members.

SEC. 4. All persons, who now are, or shall hereafter be owners of land adjoining said ponds or brook, may become members of said corporation, subject however, to pay their proportional part of the expenses which shall have been incurred by said corporation before the time of their admission as members.

[Approved by the Governor, April 13, 1838.]

CHAP. CXII.

An Act to incorporate the District of Boston Corner.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. All that tract of unincorporated land in the county of Berkshire, called Boston Corner, bounded on the west by the state of New York, by a line of about two miles and three fourths; on the south by a part of New York, which projects south of Massachusetts, called the Oblong, one mile and three fourths, to a stone monument, being the northeast corner of the state of Connecticut; on the east by the town of Mount Washington, by a line extending two miles and one hundred and ninety-two rods,—is hereby incorporated into a district, by the name of Boston Corner, with all the powers, privileges and immunities of incorporated districts.

Boundaries described.

SEC. 2. Any justice of the peace within the county of Berkshire is hereby authorized to issue his warrant, directed to some principal inhabitant within the said district, requiring him to warn the inhabitants within the said district, qualified to vote in district affairs, to assemble at some suitable time and place in the said district, to choose such officers as shall be necessary to manage the affairs of the said district.

Warrant to be issued for calling meeting of inhabitants.

[Approved by the Governor, April 14, 1838.]

CHAP. CXIII.

An Act for the protection of the Shell Fishery in Ipswich.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The provisions of the fifty-fifth chapter of the Revised Statutes, so far as the same relate to certain towns enumerated in the thirteenth section of said chapter, are hereby made to extend and apply to the town of Ipswich, as fully and effectually as if the name of said town were inserted in said section.

[Approved by the Governor, April 14, 1838.]

CHAP. CXIV.

An Act to confirm the location of a Wharf at Red Brook Landing, in Sandwich.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons author-
ized.

Elisha Perry, Howard Perry, John A. McGaw, and Rufus Kendrick, their heirs and assigns, are hereby authorized to continue and maintain their wharf, lately erected at Red Brook Landing, in Sandwich, in the county of Barnstable, and to lay and fasten vessels at the sides and ends thereof, and to take dockage and wharfage therefor: *provided*, that this grant shall not interfere with the legal rights of any person or persons whatever.

Privileges
granted.

[Approved by the Governor, April 14, 1838.]

CHAP. CXV.

An Act to change the name of "The Proprietors of the New South Meeting-house in Salem."

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The religious society incorporated by an act, passed March fifteenth, in the year one thousand eight hundred and five, by the name of "the Proprietors of the New South Meeting-house in Salem," are allowed to take the name of "the Proprietors of the South Church in Salem."

[Approved by the Governor, April 14, 1838.]

CHAP. CXVI.

An Act to incorporate the Bristol and Norfolk Mining Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Lucas Daggett, David Shepard, and John Fuller, their associates and successors, are hereby made a corporation, by the name of the Bristol and Norfolk Mining Company, for the purpose of digging for, raising and vending coals, metals and other minerals, and carrying on the different branches of the mining business, in the counties of Bristol and Norfolk ; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in

Persons incorporated.

Purposes of incorporation.

the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of one hundred thousand dollars; and the whole capital stock shall not exceed the amount of two hundred thousand dollars.

[Approved by the Governor, April 14, 1838.]

CHAP. CXVII.

An Act to annex a part of the town of Greenfield to the town of Bernardston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Boundary lines
described.

The tract of land which is included within the following bounds, viz.—beginning at the northeast corner of the town of Greenfield, being the centre of Fall River in the south line of Bernardston; thence westerly by said south line of Bernardston, fifty-four rods to the west side of the county road; thence southerly by the west side of the road aforesaid, eighteen rods to a stake and stones; thence easterly by a line parallel with the south line of Bernardston to the centre of Fall River; thence by the centre of said river to the place of beginning,—is hereby annexed to, and made part of the town of Bernardston.

[Approved by the Governor, April 14, 1838.]

CHAP. CXVIII.

An Act in addition to an Act to establish the Boston Wharf Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The corporate property of the Boston Wharf Company shall be, and the same hereby is reduced to the sum of three hundred and sixty thousand dollars ; and the same shall be divided into three thousand six hundred shares, of one hundred dollars each ; and said shares may, from time to time, be assessed to an amount, which, together with all assessments heretofore made on the corporate property of said company, shall not exceed the sum of one hundred dollars on each share ; and the said assessments shall be collected in the manner provided for collecting assessments under the act to which this is in addition.

Corporate property reduced.

Number of shares.

Limitation of amount to which shares may be assessed.

SEC. 2. Nothing contained in this act shall be construed to affect in any manner the existing liabilities of the said company or the members thereof.

Not to be exempted from existing liabilities.

[Approved by the Governor, April 14, 1838.]

CHAP. CXIX.

An Act to incorporate the Wardens, Vestry and Proprietors of the Protestant Episcopal Church in Lynn.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Edward S. Davis, John Bowler, and Alonzo Lewis, their associates and successors, are incorporated by the name of the Wardens, Vestry and Proprietors of Christ Church in Lynn, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the twentieth chapter of the Revised Statutes, relating to parishes and the support of public worship.

Estate.

SEC. 2. Said society may hold real and personal property, to an amount not exceeding ten thousand dollars, exclusive of their meeting-house; the income of which shall be exclusively appropriated to parochial purposes.

May assess pews.

SEC. 3. Said society may assess the pews in their meeting-house for the payment of all necessary parochial charges.

[Approved by the Governor, April 14, 1838.]

CHAP. CXX.

An Act to annex part of Conway to Buckland.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. All that part of the town of Conway, in the county of Franklin, which lies within the following bounds, viz.—beginning at a stone monument, on the bank of Deerfield river, being the northwest corner of Conway ; thence south, fourteen degrees west, three hundred and ninety rods, to a stake ; thence east, one degree north, to Deerfield river ; thence on said river, to the place of beginning,—is hereby annexed to and made part of the town of Buckland, in said county of Franklin.

Boundary lines described.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 14, 1838.]

CHAP. CXXI.

An Act concerning Writs and absent Defendants.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. All writs issued by any justice of the peace, may be directed to any proper officer in any county of this Commonwealth, for the purpose of causing an attachment of property to be made therein : *provided*, that the expense of serving such writ over and above the sum of one dollar and fifty cents

Writs issued by justice of peace may be directed to officer in any county.

Proviso.

shall not be chargeable to, nor taxed against the defendant.

How notice of suit may be given, when defendant is absent.

SEC. 2. Whenever an attachment of property shall be made on any writ, returnable before a justice of the peace, and the defendant shall be without the Commonwealth, so that no service thereof can be made on him, and he has no agent or attorney residing in the Commonwealth, the justice of the peace, before whom the same is returned, may cause notice of said suit to be given to him in such manner as he shall deem proper; and upon proof of such notice having been given, if the defendant fail to appear on the return day of such notice, he may enter judgment, and issue execution for the plaintiff: *provided*, that the plaintiff shall give bond, with sufficient surety, in double the sum for which execution shall be issued, to pay to the defendant the said debt and costs, if, within one year from the rendition of said judgment, the said judgment shall be reversed.

Execution may issue conditionally.

[Approved by the Governor, April 14, 1838.]

CHAP. CXXII.

An Act to incorporate the Mutual Fire Insurance Company in Salem.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorporated.

Isaac P. Foster, Ebenezer Dodge, and John Norris, their associates and successors, are hereby made a corporation, by the name of the Mutual Fire Insurance Company in Salem, in the county of Essex, for the term of twenty-eight years, for the purpose

of insuring buildings, stock in trade, and all other kinds of personal property ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes.

[Approved by the Governor, April 17, 1838.]

CHAP. CXXIII.

An Act concerning the Police of Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The mayor and aldermen of Boston may, from time to time, appoint such police officers for said city, as they may judge necessary, with all or any of the powers of the constables of said city, except the power of serving and executing any civil process ; and the said police officers shall hold their offices during the pleasure of the said mayor and aldermen.

Mayor and aldermen may appoint police officers.

[Approved by the Governor, April 17, 1838.]

CHAP. CXXIV.

An Act to regulate the Inspection of Clam Bait.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The inspector general of pickled fish in this Commonwealth, and his deputies, shall be inspectors of clam bait.

Inspectors.

SEC. 2. Said inspector general, and his deputies

Duties of inspectors.

respectively, shall see that all clam bait presented to them for inspection has been well cleansed and struck with salt or pickle in the first instance, and preserved sweet, free from taint or damage; and such clam bait as shall be found in good order and of good quality shall be packed in good merchantable barrels, containing not less than twenty-eight, nor more than thirty gallons each, with two hundred and thirty pounds of clams in each barrel, with a suitable quantity of salt to preserve the same.

Barrels to be
branded.

SEC. 3. The inspector general or his deputies shall brand each barrel of clam bait inspected by them respectively, agreeably to the provisions of the seventy-fifth section of the twenty-eighth chapter of the Revised Statutes, with the addition of the month in which said bait is inspected.

Prohibition
against offering
for sale, bait not
inspected.

Penalty.

SEC. 4. If any person shall sell or offer for sale any clam bait within this Commonwealth, not having been inspected and branded agreeably to the provisions of this act, he shall forfeit ten dollars for every barrel so sold, or offered for sale; *provided, however,* that the forfeiture contained in this section shall not apply to cases where the parties agree for the sale of uninspected bait, or where the offer to sell is of such bait.

Fees for inspect-
ing.

SEC. 5. The fees for inspecting clam bait shall be the same as are provided in the eighteenth section of the twenty-eighth chapter of the Revised Statutes, and shall be collected and paid in the same manner; and said inspectors shall not be held responsible for any clam bait that they may have inspected after the expiration of six months from the time of inspecting the same.

[Approved by the Governor, April 17, 1838.]

CHAP. CXXV.

An Act to aid in the construction of the Nashua and Lowell Rail-road.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The treasurer of this Commonwealth is hereby authorized and directed to issue scrip, or certificates of debt, in the name and behalf of the Commonwealth, for the sum of fifty thousand dollars, bearing an interest of five per cent. per annum, payable semi-annually at the office of said treasurer, and redeemable at the same place, at the expiration of seven years from the first day of April next; which scrip or certificates shall be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof; and the said treasurer shall deliver said scrip, or certificates of debt, to the treasurer of the Nashua and Lowell Rail-road Corporation, created by an act of the Legislature, passed April sixteenth, eighteen hundred and thirty-six, for the purpose of enabling said corporation to complete their rail-road, at such times, and under such conditions, as are herein after provided.

Scrip to be issued.

SEC. 2. When said corporation shall have paid in and expended, in the construction of their rail-road, or for the necessary lands, privileges and appurtenances thereof, the sum of sixty thousand dollars, the treasurer of the Commonwealth shall deliver to the treasurer of said corporation, scrip or certificates of debt to the amount of twenty thousand dollars, issued as aforesaid. And when they shall have completed the grading of their road, from its

When and on what conditions.

junction with the Boston and Lowell rail-road to the line of the state of New Hampshire, the treasurer of the Commonwealth shall deliver to the treasurer of said corporation, scrip or certificates, issued as aforesaid, to the amount of the further sum of thirty thousand dollars: *provided*, that, before any such scrip or certificates shall be delivered to the treasurer of said corporation, as aforesaid, said corporation shall furnish evidence, satisfactory to the Governor and Council, that said expenditures have been made, and said labors performed, as aforesaid.

Proviso.

Act, when to take effect.

Bond to be given to the state.

Corporation to convey rail-road, &c. to Commonwealth for security.

To transfer shares as further security.

SEC. 3. This act shall not take effect, until said corporation, at a meeting of the stockholders, duly notified for that purpose, shall have assented to all the provisions of the same, and shall have executed to the Commonwealth a bond, in such form as the attorney general shall prescribe, conditioned that said corporation shall indemnify and save harmless the Commonwealth from all liability on account of said scrip or certificates, and shall pay all interest thereon punctually, as the same shall fall due, at the office of the treasurer of the Commonwealth, until the principal sum, or sums thereof, shall be paid by said corporation; and shall pay, at the office of said treasurer of the Commonwealth, the principal sum or sums aforesaid one year before the same shall become redeemable by the Commonwealth; and shall also convey, by a suitable instrument, to be prepared for that purpose, under the direction of the attorney general, their entire road and its income, and all the property and franchise to them belonging, free from all prior mortgage or incumbrance, as a pledge or mortgage to secure the performance of all the conditions of said bond. And shall also transfer to this Commonwealth five hundred shares

of the capital stock of said corporation, to be held by the treasurer of the Commonwealth, as further security for the performance of the conditions of said bond, and to be sold by the treasurer aforesaid, at the pleasure of the Legislature, upon the failure of the said corporation to pay the interest of the said scrip, or certificates of debt, or the principal thereof, as aforesaid.

[Approved by the Governor, April 17, 1838.]

CHAP. CXXVI.

An Act relating to Divorce.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. A divorce from the bond of matrimony may be decreed in favor of either party, whom the other shall have wilfully and utterly deserted for the term of five years consecutively, and without the consent of the party deserted.

When divorce
may be decreed.

SEC. 2. When a divorce is decreed for the cause of desertion by the husband as aforesaid, the same proceedings shall be had, touching the estate of the wife or the alimony to be allowed her, as in the case of divorce on account of the husband's being sentenced to confinement to hard labor, or from bed and board.

Proceedings re-
specting allow-
ance to wife.

[Approved by the Governor, April 17, 1838.]

CHAP. CXXVII.

An Act authorizing Timothy Bourne to extend his Wharf in Wood's Hole Harbor.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Timothy Bourne is hereby authorized to extend his wharf in Little Harbor at Wood's Hole in Falmouth, twenty feet in width and fifty feet in length, into the harbor of Wood's Hole : *provided*, that such extension shall not impair the legal rights of any person.

[Approved by the Governor, April 17, 1838.]

CHAP. CXXVIII.

An Act authorizing Benjamin Fiske to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Location described.

Benjamin Fiske, proprietor of a certain wharf in the northerly part of Boston, fronting on Commercial street, and lying between the town slip or Foster street and the wharf and dock of Isaac Harris ; the line between the wharf and dock of said Fiske and Harris having been agreed upon by said parties, and their agreement bearing date the twenty-second day of March, one thousand eight hundred and thirty-eight, recorded with Suffolk deeds, as surveyed by S. P. Fuller,—is hereby au-

thorized to extend and maintain his wharf into the harbor channel, as far as the line established by an act, entitled an act to preserve the Harbor of Boston, and to prevent encroachments therein, passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven; and he shall have the right and privilege of laying vessels at the sides and end of his said wharf, and of receiving dockage and wharfage therefor: *provided*, that so much of said wharf as shall be built by virtue of this act shall be built on piles, and that this grant shall in no wise interfere with the legal rights of any person or persons whatever; and that nothing herein contained shall be construed to give to, or vest in the said Fiske, his heirs or assigns, any right to construct any wharf or other erection, to lay vessels over the said line, agreed upon between him and the said Harris, or in anywise to use the flats lying southeasterly of said line.

May be extended
to line established
by act, &c.

Wharf so extended
to be built
on piles.

Restrictions.

[Approved by the Governor, April 17, 1838.]

CHAP. CXXIX.

An Act authorizing Henry Gardner to extend his Wharf in Swansey.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Henry Gardner is hereby authorized to extend his wharf, situated on Lee's river in Swansey, in an easterly direction thirty feet: *provided*, such extension shall not infringe the legal rights of other persons.

[Approved by the Governor, April 17, 1838.]

CHAP. CXXX.

An Act in addition to an Act to incorporate the Firemen's Insurance Company, in the city of Boston.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Authorized to
make maritime
loans, insurance,
&c.

SEC. 1. The aforesaid Firemen's Insurance Company, in the city of Boston, are hereby authorized to make maritime loans and insurance against maritime losses, upon vessels, freight, money, goods and effects ; and against captivity of persons ; and on the life of any person, during his absence at sea ; and upon money lent upon bottomry and respondentia ; and they may also make insurance against fire on any dwelling-houses and other buildings, and on merchandize and other property within the United States ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, contained in the thirty-seventh and forty-fourth chapters of the Revised Statutes, until the tenth day of June, one thousand eight hundred and fifty-one.

Estate.

SEC. 2. The said corporation shall have power to purchase, take, hold and convey real estate within this Commonwealth, for the use of the said company : *provided*, that they shall not hold real estate exceeding the value of one hundred thousand dollars, excepting such as may be taken for debt by said company, or held as collateral security for debts due to them.

Proviso.

Part of former
act repealed.

SEC. 3. So much of the first and fifth sections of the act of incorporation of said company, passed on the tenth day of June, one thousand eight hundred

and thirty-one, as are inconsistent with the provisions of the foregoing sections, and also so much of the eighth section of said act, as provides that it shall be the duty of the directors of said corporation "annually to set aside one tenth part of the net income over and above six per centum, to be appropriated to the use and benefit of the Boston Fire Department, in such manner as they shall see fit," are hereby repealed: *provided*, that nothing herein contained shall be construed to impair the legal rights of any person. Proviso.

[Approved by the Governor, April 17, 1838.]

CHAP. CXXXI.

An Act in addition to an Act to incorporate the Charitable Association of the Boston Fire Department.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Every member of the Boston Fire Department shall, at all times hereafter, have a right to be admitted a member of the "Charitable Association of the Boston Fire Department;" also all the members of the Veteran Association of the Boston Fire Department, who shall have been, for the term of seven successive years, members of said fire department, shall have the right of becoming members of the said "Charitable Association," by producing to the secretary of the association sufficient evidence of membership, subscribing the constitution of the association, and paying to the treasurer such sum, not exceeding one dollar, as the association shall, Persons who may become members.
On what terms.

from time to time, direct ; which payment shall be in full for the annual contribution of the current year.

Treasurer to invest funds

SEC. 2. The treasurer of said association is hereby authorized and required, after paying the debts of the association, to invest with the Massachusetts Hospital Life Insurance Company, for a term not exceeding thirty years, the residue of the available funds of the association, not exceeding the sum of three thousand dollars ; and the income thereof shall be applied, by the trustees of said association, for the time being, at their discretion, to the relief or assistance of any member of the association, or his family, or of any past member, who has belonged to said fire department for five years, and has been honorably discharged therefrom ; and any cause of distress, in these cases, shall be considered as entitled to the attention of the board of trustees.

Income of investment, how to be applied.

Treasurer may add donations to the fund.

SEC. 3. The association shall have the right to add to the fund provided for in the second section of this act, all such donations as may be given for that purpose, and to place at the disposal of the trustees, to be appropriated to the purposes contemplated by said second section, such further sums as they may from time to time see fit, not to exceed one tenth part of the whole annual income of the association.

Provisions in former act inconsistent with this, repealed.

SEC. 4. All provisions contained in the act to incorporate the Charitable Association of the Boston Fire Department, passed February thirteenth, in the year one thousand eight hundred and thirty, to which this act is in addition, inconsistent with the foregoing provisions, are hereby repealed.

SEC. 5. This act shall take effect from and after its passage.

[Approved by the Governor, April 17, 1838.]

CHAP. CXXXII.

An Act to incorporate the New England Academy.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Nahum Capen, Samuel G. Howe, and John D. Fisher, their associates and successors, are hereby made a corporation, by the name of the New England Academy, to be established in Cohasset, in the county of Norfolk ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes. Persons incorpo-
rated.

SEC. 2. The corporation may hold real and personal estate to the amount of one hundred thousand dollars, to be devoted exclusively to purposes of education. Estate.

[Approved by the Governor, April 17, 1838.]

CHAP. CXXXIII.

An Act in addition to an Act authorizing the County Commissioners for the county of Essex to lay out a Road and construct a Bridge across Little River, in the town of Gloucester.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The county commissioners for the county of Essex are hereby empowered to lay out a road and construct a bridge, with or without a draw for the pass-

Location of
bridge.

Proviso.

age of vessels, as they shall judge to be most for the public good, across Little river, in the town of Gloucester; commencing at the old highway, leading from Gloucester to Essex, as now travelled on the southeasterly side of said Little river, and terminating on the northwesterly side of the same, near the dwelling-house of Peter R. Dennen : *provided*, that in laying out and constructing said road and bridge, said commissioners shall, in all respects, proceed as is now provided by law for laying out and constructing highways.

[Approved by the Governor, April 17, 1838.]

CHAP. CXXXIV.

An Act to change the Name of the North Parish in Harwich.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The North Parish in Harwich, in the county of Barnstable, may take the name of the First Parish in Brewster.

[Approved by the Governor, April 17, 1838.]

CHAP. CXXXV.

An Act to incorporate the Proprietors of the North Chelmsford Meeting-house.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Lincoln Drake, Charles Blood, and Harvey Silver, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the North Chelmsford Meeting-house ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and so much of the twentieth chapter of said statutes as relates to the proprietors of churches and meeting-houses. Persons incorporated.

SEC. 2. Said corporation may hold personal and real estate to an amount not exceeding twenty thousand dollars : *provided*, that the annual income thereof be applied exclusively to parochial purposes ; and may tax the pews in their meeting-house, for the support of public worship. Estate. May assess pews.

[Approved by the Governor, April 17, 1838.]

CHAP. CXXXVI.

An Act to empower Allen Coffin and his associates to maintain their Wharf, in Edgartown.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Allen Coffin and his associates, proprietors of the Town Wharf, so called, in Edgartown, are hereby empowered to maintain said wharf, in the harbor of Edgartown : *provided*, that nothing herein contained shall be construed to impair the legal rights of any person.

[Approved by the Governor, April 17, 1838.]

CHAP. CXXXVII.

An Act to change the Name of the Central Universalist Society.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Central Universalist Society in Boston, incorporated January twenty-first, one thousand eight hundred and twenty-three, shall take the name of the Bulfinch Street Society, whenever said society, at a legal meeting called for that purpose, shall so elect.

[Approved by the Governor, April 17, 1838.]

CHAP. CXXXVIII.

An Act to cede to the United States Jurisdiction
over certain tracts of land.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Jurisdiction over the following tracts of land, pur- Lands described.
chased by the United States of America, for the
purpose of erecting light-houses, viz. at a place
called Nid's point, at Rochester, in the county of
Plymouth, at Nantucket, in the county of Nantucket,
and at Cape Poge, in Dukes county, in this Com-
monwealth, is hereby granted to the United States
of America, for the sole purpose of erecting light-
houses on the same : *provided*, that concurrent juris- Proviso.
diction with the United States shall be retained by this
Commonwealth in and over said land, so far that all
civil and criminal processes issued under the authority
of this Commonwealth, or any officer thereof, may be
executed on any part of said land, or in any building
which may be erected thereon, in the same way and
manner as if jurisdiction had not been granted as
aforesaid : *and provided, also*, that all persons who Additional pro-
viso.
shall dwell upon said tracts of land shall be deemed
and taken to be inhabitants of the towns respective-
ly in which said tracts of land are situated, and shall
there perform the same duties, and have and enjoy the
same privileges, as other inhabitants of said towns,
saving that the keepers of said light-houses shall not Keepers of light-
houses exempted
from certain du-
ties.
be liable to serve as jurors, or to perform military
duty.

[Approved by the Governor, April 17, 1838.]

CHAP. CXXXIX.

An Act to incorporate the Town of Erving.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Boundaries described.

SEC. 1. All that unincorporated tract of land in the county of Franklin, called Erving's Grant, bounded on the north by the town of Northfield, on the east by the towns of Warwick and Orange, on the south by Miller's river, which separates it from the towns of New Salem, Wendell and Montague, and on the west in part by Miller's river, which separates it from Montague, and in part by Connecticut river, which separates it from the town of Gill,—is hereby incorporated into a town, by the name of Erving, and as such shall have all the powers and privileges, and be subject to all the duties and liabilities of such corporations.

Persons now resident not to be charged as paupers until, &c.

SEC. 2. No person, now residing upon the said plantation of Erving's Grant, who has a legal settlement in any town in this Commonwealth, shall have his settlement changed by force of this act, or be chargeable as a pauper to the town of Erving, until he shall gain a settlement therein, in the manner provided by law.

Meeting of inhabitants, how to be called.

SEC. 3. Any justice of the peace for the county of Franklin is hereby authorized to issue his warrant, directed to any freeholder of said town of Erving, requiring him to warn the inhabitants thereof, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings.

[Approved by the Governor, April 17, 1838.]

CHAP. CXL.

An Act to repeal the Charter of the Kilby Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. An act entitled "an act to incorporate the President, Directors, and Company of the Kilby Bank," passed on the fifteenth day of April, in the year one thousand eight hundred and thirty-six, is hereby repealed : *provided*, that nothing in this act contained shall be so construed as to release or absolve the said corporation, or any director or stockholder thereof, from any liability created by any provision of the act hereby repealed.

Corporation not released from liabilities.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 17, 1838.]

CHAP. CXLI.

An Act to authorize the South Parish in Dennis to tax Pews.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The South Parish in Dennis is hereby authorized to assess upon the pews in their meeting-house, according to the value of said pews, which has been established by appraisement made by a committee appointed for that purpose, such sums of money as shall hereafter be voted to be raised by

Assessments to be made, according to valuation established.

How to be collected.

said parish for the support of public worship and other parochial charges; and all such assessments may be collected in the manner provided by the thirty-second, thirty-third and thirty-fourth sections of the twentieth chapter of the Revised Statutes.

Valuation may be varied.

SEC. 2. The valuation of pews may be varied, from year to year, by a committee appointed by the pew-holders, whenever said pew-holders, at a legal meeting, holden for that purpose, shall elect such committee.

[Approved by the Governor, April 17, 1838.]

CHAP. CXLII.

An Act to incorporate the Benevolent Society in Truro.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorporated.

SEC. 1. David Lombard and Nathaniel J. Knight, their associates and successors, are hereby made a corporation, by the name of the Benevolent Society in Truro, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Estate.

SEC. 2. Said corporation may hold real and personal estate, not exceeding in amount the sum of ten thousand dollars, to be devoted exclusively to charitable purposes.

[Approved by the Governor, April 17, 1838.]

CHAP. CXLIII.

An Act for the protection of Camp Meetings against disturbance.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Any person, who, during the time of holding any camp or field meeting for religious purposes, shall, Persons prohibited from offering for sale, &c. within one mile of the place of holding such meeting, hawk or peddle any goods, wares, merchandize or drinks, or practise or engage in any gaming or horse-racing, or exhibit, or offer to exhibit, any shows or plays,—shall forfeit for each offence a sum not exceeding twenty dollars, to be recovered on complaint Penalty made to any justice of the peace of the county in which the offence is committed : *provided, however,* Proviso. that this act shall not be construed to require any person having his regular and usual place of business within the limits aforesaid to suspend such business.

[Approved by the Governor, April 17, 1838.]

CHAP. CXLIV.

An Act relating to the Compensation of Executors and Administrators.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. Executors and administrators shall be allowed the amount of their reasonable expenses incurred in the execution of their trusts respectively, Executors, &c. to be allowed expenses.

and shall also have such compensation for their services as the court in which their accounts are settled shall in each case consider to be just and reasonable.

SEC. 2. The eighth section of the sixty-seventh chapter of the Revised Statutes is hereby repealed.

[Approved by the Governor, April 17, 1838.]

CHAP. CXLV.

An Act for an allowance to Widows of Deceased Persons for necessities.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The articles of apparel or ornament of the widow, and the apparel of any minor child of any deceased person shall be considered, in the settlement of the estate of such deceased person, as exclusively belonging to such widow and child respectively.

SEC. 2. Such part of the personal estate of any person deceased as the judge of probate, having due regard to all the circumstances of the case, may see fit to allow for necessities to his widow, for the use of herself and family under her care, if any, and also such provisions and other articles as shall be necessary for the reasonable sustenance of the family of any person deceased for forty days after his death, shall not be deemed and taken as assets to be applied to the payment of debts, legacies, or charges of administration ; but the same shall be allowed in the account of administration in discharge of so much of the inventory of the estate, when the same is contained therein, although it should thereby become

Articles to be considered as belonging to widow, &c.

Whart part of personal estate to be allowed.

necessary to sell real estate for the payment of debts, legacies, or charges of administration, and although the estate may be insolvent.

SEC. 3. The fourth, fifth and sixth sections of the sixty-fifth chapter, and the twenty-sixth section of the sixty-eighth chapter of the Revised Statutes are hereby repealed.

[Approved by the Governor, April 17, 1838.]

CHAP. CXLVI.

An Act to authorize the First Parish in Brighton to tax the pews in their meeting-house.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The First Parish or Congregational Society in Brighton is hereby authorized to assess upon the pews in their meeting-house, according to a valuation of said pews which shall first be agreed upon by said parish, and recorded, any sum or sums of money, which shall hereafter be voted to be raised by said parish for the support of public worship, and for the repairs of their meeting-house ; and all such assessments may be collected in the manner provided by the thirty-second, thirty-third and thirty-fourth sections of the twentieth chapter of the Revised Statutes.

May assess according to valuation to be agreed upon.

Assessments, how to be collected.

[Approved by the Governor, April 18, 1838.]

CHAP. CXLVII.

An Act concerning Police Courts and the Justices' Court in the county of Suffolk.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Police court of Boston may issue summons, &c.

SEC. 1. The police court in the city of Boston shall have power to issue summons and other process to procure the attendance of witnesses in the trial and examination of criminal cases to run into any county, to be served by the sheriff of the county of Suffolk or of any other county, or either of their deputies, or any constable of the town in which any witness may be.

Justices of other police courts may appoint clerks, &c.

SEC. 2. The justice of any police court, except the police court in the city of Boston, may appoint a clerk of such court, to be paid by himself, and for whose official acts and doings the said justice shall be responsible; said clerk shall be sworn to the faithful discharge of his duty, and shall hold his office during the pleasure of said justice, and shall have all the powers conferred by law upon the clerk of the police court of the city of Boston.

Powers of clerk.

Respecting summons to trustees, &c.

SEC. 3. When, by a trustee writ, returnable before the justices' court of the county of Suffolk, any person is to be summoned as a trustee, who is liable to be charged as such, and the defendant resides within this Commonwealth, but in a county other than that of the trustee, said writ may run into any county, and shall be served on the defendant fourteen days at least before its return day.

[Approved by the Governor, April 18, 1838.]

CHAP. CXLVIII.

An Act concerning the Harvard Ministerial Fund.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The inhabitants of the town of Harvard are hereby authorized to transfer and pay over unto the deacons of the church of the First Parish in said town, any sum or sums of money now held by said town in trust as a ministerial fund for the benefit of said parish, to be held by said deacons and their successors in office, in trust, for the same purposes for which the said town have heretofore held the same, and the said town shall thereupon be discharged from any further execution of said trust.

Inhabitants of
Harvard author-
ized to transfer.

[Approved by the Governor, April 18, 1838.]

CHAP. CXLIX.

An Act to incorporate the Milk Row Bleachery Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Thomas Darling, John Hartshorn and Charles McIntier, and their associates and successors, are hereby made a corporation, by the name of the Milk Row Bleachery Company, for the purpose of carrying on the business of bleaching, callendering, printing, dyeing and finishing silk, cotton and linen goods, in the town of Charlestown, in the

Persons incorpo-
rated.

county of Middlesex ; and for these purposes shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of twenty thousand dollars ; and the whole capital of the corporation shall not exceed the sum of fifty thousand dollars.

[Approved by the Governor, April 18, 1838.]

CHAP. CL.

An Act to unite the Mansfield Mining Company, the Massachusetts Mining Company, and the Mansfield Coal Company.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Estate, how to be conveyed.

SEC. 1. The Massachusetts Mining Company, and the Mansfield Coal Company are hereby authorized and empowered to sell and convey all their respective estates, real, personal, and mixed, of what kind soever, by a major vote of said companies respectively, to the Mansfield Mining Company, their successors and assigns, in the most full and ample manner, and in such form as may be agreed on by said companies respectively ; and the said Mansfield Mining Company may take and hold the same accordingly.

Both companies to cease the prosecution of business.

SEC. 2. From and after the sales and conveyances mentioned in the first section of this act, the said Massachusetts Mining Company, and the said

Mansfield Coal Company shall cease to be corporations for the purpose of prosecuting the business contemplated in the acts establishing them; but they shall exist for the term of three years, for the purposes of suing and being sued, and closing up their affairs according to law; and the stockholders in said companies respectively, shall respond for all their liabilities in like manner as they would have been liable to, if this act had not passed.

Shall exist for the purpose of closing their affairs.

Liabilities of stockholders not to cease.

SEC. 3. This act shall be void and of no effect, unless each of said companies respectively, at an annual meeting, or at a special meeting for the purpose, duly notified, shall have assented to the provisions hereof, on or before the first day of July, eighteen hundred and thirty-eight.

Act to be void if not assented to by each company.

Time by which assent is required.

[Approved by the Governor, April 18, 1838.]

CHAP. CLI.

An Act for the preservation of the Province Lands in the town of Provincetown.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. If any person shall wilfully pull up or destroy any beach grass, bushes or pines on the province lands in the town of Provincetown, in the county of Barnstable, to the injury of public or private property in said town, or to the injury of Provincetown harbor; or if any person shall use any of said lands for pasturage, without the consent, in writing, of a committee of said town, chosen as hereinafter mentioned, he shall forfeit and pay the

Penalty for violation of act.

sum of five dollars for the first offence, and ten dollars for every subsequent offence, to be recovered on a complaint made to any justice of the peace for said county of Barnstable.

Committee to be chosen.

—their duties.

May permit enclosed lands to be used for pasturage.

May set out pines, &c.

Occupants of enclosed lands to pay expenses of setting out pines, &c.

Town empowered to raise money for expenses, &c.

SEC. 2. The said town of Provincetown shall annually elect a committee of three persons, who shall be sworn to the faithful discharge of their duty, and who shall prosecute for the penalties before mentioned, and the same when recovered shall be for the use of said town; and said committee may permit any of said province lands now enclosed, or which may hereafter be enclosed, to be used for pasturage; when, in their opinion, such use of said lands would cause no injurious effects to said harbor or to any public or private property.

SEC. 3. The said town of Provincetown is hereby authorized to enter, by their committee, chosen as aforesaid, upon any of the province lands enclosed or unenclosed, for the purpose of setting out pines, bushes, or grass, whenever they may deem it necessary, for the preservation of said harbor, or of any highway or public or private property.

SEC. 4. Whenever, in the opinion of said committee, it shall become necessary, in consequence of any violation of the provisions of this act, to set out pines or beach grass on any lot of said lands enclosed, the expense thereof shall be paid by the person or persons in the occupancy of the same; and in case of refusal by any occupant to pay such expense, it may be recovered by said committee in an action for money paid in any court proper to try the same.

SEC. 5. The said town of Provincetown is hereby empowered, annually, to raise such sum of money as may be deemed necessary to defray the expense of setting out pines or beach grass on said province lands; and any sum of money raised for this purpose

shall be assessed and collected as other taxes now are. How to be assessed.

SEC. 6. This act shall take effect from and after its acceptance by a vote of said town of Provincetown. When to take effect.

[Approved by the Governor, April 18, 1838.]

CHAP. CLII.

An Act concerning the State Prison, and the government and discipline thereof.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. If any officer or other person shall deliver or procure to be delivered, or shall have in his or her possession with intent to deliver to any convict confined in the State Prison, or shall deposit or conceal in or about the said prison, or the dependencies thereof, or in any boat, carriage or other vehicle, going into the premises belonging to the said prison, any article or thing whatever, with intent that any convict confined in the prison should obtain or receive the same ; or if any officer or other person shall receive from any convict any article or thing whatever, with intent to convey the same out of said prison, contrary to the rules and regulations thereof, and without the knowledge and permission of the warden, or the board of inspectors of the prison,—every such person shall be punished by imprisonment in the State Prison, or in the county jail, not more than two years, or by a fine not exceeding five hundred dollars. No articles to be conveyed to or from convicts contrary to regulations. Punishment by imprisonment or fine.

SEC. 2. The forty-second section of the one hundred and forty-fourth chapter of the Revised Statutes is hereby repealed, excepting in regard to any past violations thereof.

Warden authorized to cause Sabbath School to be maintained in prison.

SEC. 3. The warden, with the consent of the inspectors, and whenever and so long as they may deem it expedient, is hereby authorized to cause a Sabbath School to be maintained in the prison, for the instruction of the convicts, in their religious duties, and to permit such persons as they may deem suitable to attend the same, as instructors, under such rules and regulations as the inspectors may establish.

Authorized to alter rations in part.

SEC. 4. The warden is hereby authorized to deliver to the convicts such rations of good nutritious beef as he may deem needful and proper, in lieu of the "Number one beef," now allowed by law, and equal thereto in quantity.

SEC. 5. The warden, with the consent of the inspectors, may make such alterations as they think proper, in the food of the convicts, on every fourth day of July, and on days of public thanksgiving.

SEC. 6. This act shall take effect from and after its passage.

[Approved by the Governor, April 18, 1838.]

CHAP. CLIII.

An Act to incorporate the Camp Meeting Grove Corporation.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorporated.

SEC. 1. Isaac Harding, Noah K. Skinner and

Milton Daggett, their associates and successors, are hereby made a corporation, by the name of the Camp Meeting Grove Corporation, with all the powers and privileges, and subject to all the duties, restrictions and limitations set forth in the forty-fourth chapter of the Revised Statutes.

SEC. 2. Said corporation shall have authority to receive and hold a tract of land in Eastham, in the county of Barnstable, for the use of annual religious meetings, on the condition that the income of the same be devoted to its security and improvement, or to religious purposes.

Authority to hold land.

Condition.

SEC. 3. Said corporation may hold, for the purposes aforesaid, real estate to the value of two thousand dollars.

Estate.

[Approved by the Governor, April 18, 1838.]

CHAP. CLIV.

An Act to aid in the support of Common Schools among certain tribes of Indians in this Commonwealth.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

There shall be allowed and paid, out of the income of the Massachusetts School Fund, the sum of one hundred and forty dollars, on the first day of January annually, in the manner hereafter provided, viz.—sixty dollars to Smith Mayhew, Esq., of Chilmark, to be applied under his direction to the support of common schools among the Gay Head Indians; sixty dollars to the Guardian of the Indians of Christiantown and Chappequiddic, and twenty

Amount to be paid, and when.

In what proportions to be paid.

dollars to the Treasurer of the Herring Pond Indians, to be applied by them in like manner to the support of common schools among the said Indians; any thing contained in the sixty-seventh section of the twenty-third chapter of the Revised Statutes to the contrary notwithstanding; and an annual account of the appropriation of said moneys shall be rendered to the Governor and Council.

Account of appropriation to be made to Governor and Council.

[Approved by the Governor, April 18, 1838.]

CHAP. CLV.

An Act to incorporate the First Religious Society in Danvers.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SEC. 1. The North Parish in Danvers, of which the Rev. Milton P. Braman is pastor, is hereby made a corporation, by the name of the First Religious Society in Danvers, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the twentieth chapter of the Revised Statutes, excepting as is hereinafter provided.

Estate.

SEC. 2. Said corporation may hold real and personal estate to an amount not exceeding twenty thousand dollars: *provided*, that the whole annual income thereof shall be appropriated exclusively to parochial purposes.

Proviso.

May assess pews.

SEC. 3. Said society may assess the pews in any meeting-house hereafter erected by them or conveyed to them, for the support of public worship and other parochial purposes, and may enforce said as-

sessments in the manner provided in the thirty-second, thirty-third, and thirty-fourth sections of said twentieth chapter of the Revised Statutes, for making and enforcing certain assessments.

SEC. 4. The act to incorporate the First Religious Society in Danvers, passed on the twenty-eighth day of March last, is hereby repealed.

Act of March repealed.

[Approved by the Governor, April 18, 1838.]

CHAP. CLVI.

An Act to repeal the Charter of the Fulton Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The act, entitled "an act to establish the Winnisimmet Bank," passed on the twenty-seventh day of March, in the year one thousand eight hundred and thirty-three, an act, entitled "an act in addition to an act to establish the Winnisimmet Bank," passed on the nineteenth day of March, in the year one thousand eight hundred and thirty-four, and an act, entitled "an act in addition to an act to establish the Winnisimmet Bank," passed on the sixth day of March, in the year one thousand eight hundred and thirty-five, are hereby severally repealed: *provided*, that nothing herein contained shall be so construed as to absolve said corporation, or any director or stockholder thereof, from any liability created by the several acts hereby repealed.

Act establishing Winnisimmet Bank, and additional acts there-to, repealed.

Stockholders not to be released from liabilities.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 19, 1838.]

CHAP. CLVII.

An Act to regulate the sale of Spirituous Liquors.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

No quantity less than fifteen gallons to be sold.

SEC. 1. No licensed innholder, retailer, common victualler, or other person, except as herein after provided, shall sell any brandy, rum, or other spirituous liquors, or any mixed liquor, part of which is spirituous, in a less quantity than fifteen gallons, and that delivered and carried away all at one time, on pain of forfeiting not more than twenty dollars, nor less than ten dollars, for each offence, to be recovered in the manner and for the use provided in the twenty-sixth section of the forty-seventh chapter of the Revised Statutes.

Penalty.

County commissioners may license apothecaries or physicians.

SEC. 2. The county commissioners in the several counties, may license for their respective towns, as many apothecaries or practising physicians as they deem necessary, to be retailers of spirituous liquors, to be used in the arts, or for medicinal purposes only ; and the mayor and aldermen of the several cities may, in like manner, and for like purpose, license apothecaries, as retailers for their respective cities ; and the court of common pleas in the county of Suffolk, in like manner, and for like purposes, may license apothecaries or practising physicians, as retailers in the town of Chelsea ; which licenses shall be granted in the same manner, and under the same restrictions now provided by law for licensing retailers : *provided*, that the number of persons so licensed shall not exceed one for every two thousand inhabitants, and in towns containing less

Court of common pleas may license apothecaries, &c., in Chelsea.

Proviso, limiting number of licensed persons.

than two thousand inhabitants, one person may be licensed: *and provided, further*, that in such cities and towns where there is no apothecary, or practising physician, such other person or persons may be appointed as aforesaid, as may be deemed proper by said county commissioners; and no person, so licensed, shall sell any spirituous liquor to be drunk in or about his premises, on pain of the forfeiture provided in the first section of this act.

SEC. 3. All licenses hereafter granted to inn-holders, retailers and common victuallers, shall be so framed as not to authorize the licensed persons to sell brandy, rum, or any other spirituous liquors; and no excise or fee shall be required for such a license.

License not to authorize the selling of spirituous liquors.

No fees to be required for licenses.

SEC. 4. The provisions of all laws now in force, inconsistent with this act, are hereby repealed.

SEC. 5. This act shall take effect on the first day of July next, but shall have no operation upon any licenses granted previous to that time.

When to take effect.

[Approved by the Governor, April 19, 1838.]

CHAP. CLVIII.

An Act to repeal certain provisions of law in relation to the Small-Pox.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

So much of the sixteenth, seventeenth, thirty-eighth, fortieth, forty-first, forty-second, forty-third, and forty-fourth sections of the twenty-first chapter

of the Revised Statutes, as relates to the Small-Pox, is hereby repealed.

[Approved by the Governor, April 20, 1838.]

CHAP. CLIX.

An Act to prescribe the duties and fix the compensation of the Secretary of the Board of Education.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Secretary to attend meetings of teachers, school committees, &c.

SEC. 1. The Secretary of the Board of Education, in addition to the duties required of him by the act establishing the Board of Education, shall, once in each year, at such times as the Board of Education may appoint, attend in each county of the Commonwealth a meeting of all such teachers of public schools, members of the school committees of the several towns, and friends of education generally in the county, as may voluntarily assemble at the time and place in the county designated by the Board of Education, of which sufficient notice shall by him be given ; and shall then and there diligently apply himself to the object of collecting information of the condition of the public schools of such county, of the fulfilment of the duties of their office by all members of the school committees of all the towns, and the circumstances of the several school districts in regard to all the subjects of teachers, pupils, books, apparatus, and methods of education ; with the intent of furnishing all requisite materials for the report by law required from the Board of Education.

Time and place of meeting to be designated by Board of Education.

Duties of Secretary.

SEC. 2. The compensation of the Secretary of the Board of Education shall be one thousand five hundred dollars per annum, to be made in equal quarterly payments. His compensation.

SEC. 3. This act shall take effect from and after its passage.

[Approved by the Governor, April 21, 1838.]

CHAP. CLX.

An Act to incorporate the Town of Georgetown.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. All that part of the town of Rowley, in the county of Essex, which lies west of the following line, shall be, and the same is hereby incorporated into a separate town, by the name of Georgetown, viz.—beginning at Frazier's Rock, so called, on the line between the towns of Newbury and Rowley; thence running south fifty-six degrees thirty minutes west, three hundred and eleven rods, to the bridge near the alms-house; thence south forty-six degrees thirty minutes west, five hundred and forty five rods, to Muddy Brook Bridge; thence south fifty-two degrees west, three hundred and sixty-two rods, to a tree called the "Three Sisters," on the division line between Boxford and Rowley. And the inhabitants of said town of Georgetown are hereby vested with all the powers and privileges, and shall be subject to all the duties and requisitions of other corporate towns, according to the constitution and laws of this Commonwealth. Boundaries described. Powers and duties.

Alms-house,
farm, &c, to be-
long to Rowley
and Georgetown.

— when to be
sold.

Proceeds, how to
be divided.

Paupers, how to
be supported.

What to be en-
joyed in common.

SEC. 2. The alms-house, farm and buildings belonging to said Rowley, shall be owned, holden, and occupied by the towns of Rowley and Georgetown, for the term of three years; at the expiration of which time, unless the said towns shall otherwise agree, the same shall be sold, under the direction of the then overseers of the poor of the said towns, and the proceeds thereof shall be divided between the said towns according to the proportion of each in the latest valuation of the town of Rowley at the time the purchase money for said farm was paid.

SEC. 3. All persons legally settled in the present town of Rowley, who are now, or who may hereafter become chargeable as paupers, shall be supported by the said towns, according to the proportion of each in the town valuation of the year eighteen hundred and thirty-seven; and all persons who may hereafter become legally settled in either of said towns, and may become chargeable as paupers, shall be supported by that town, within the territorial limits of which they may have gained a legal settlement.

SEC. 4. The town landing and the Thatch bank and flats adjoining, belonging to said Rowley, shall be owned, held, and enjoyed by the said towns in common; and the gravel-pits and pounds belonging to the present town of Rowley, shall be held and owned by the said towns respectively, within the limits of which the same may be. Each of said towns shall be holden to pay their respective proportions of the expenses of any actions now pending, and of all debts and claims now due from said town of Rowley, or which may become due, by reason of any contract, engagement, judgment of court, or any matter or thing now or heretofore entered

into or existing ; and also the expense of making any road that has been located, but not made, according to the proportion of each in the said valuation.

SEC. 5. The inhabitants of said town of Georgetown shall be holden to pay all county and town taxes, now legally assessed upon them, to the treasurer and collector of the town of Rowley ; and all moneys now in the treasury of said town, or that may hereafter be received from taxes now assessed, shall be applied to the purposes for which they were raised and assessed, in the same manner as if this act had not been passed. The money which has been received, or which may hereafter be received by said Rowley, as the proportion of said town of the surplus revenue of the United States, and the interest thereon, shall be divided between the said towns, in proportion to their respective population, as ascertained by the census taken in May last, in pursuance of "an act concerning the deposit of the surplus revenue."

Taxes now assessed, to be paid to treasurer of Rowley.

Proportion of surplus revenue how to be divided.

SEC. 6. The said town of Georgetown shall remain a part of the town of Rowley, for the purpose of electing the Representatives to the General Court, to which the town of Rowley is entitled, until the next decennial census of polls shall be taken, in pursuance of the twelfth article of Amendment of the Constitution.

Representatives, how to be elected.

SEC. 7. Either of the justices of the peace for the county of Essex is hereby authorized to issue a warrant, directed to some inhabitant of said town of Georgetown, requiring him to notify and warn the inhabitants thereof, to meet at such convenient time and place as shall be expressed in said warrant, for the choice of all such officers as towns are by law

Warrant to be issued for meeting.

required to choose, in the months of March or April, annually.

SEC. 8. This act shall take effect from and after its passage.

[Approved by the Governor, April 21, 1838.]

CHAP. CLXI.

An Act to repeal the Charter of the Commercial Bank in the city of Boston.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The act entitled an act to incorporate the president, directors, and company of the Commercial Bank, in the city of Boston, passed on the fifteenth day of June, in the year one thousand eight hundred and thirty-one, is hereby repealed : *provided*, that nothing in this act shall be so construed, as to absolve the said corporation, or any director or stockholder thereof, from any liability created by the act hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 21, 1838.]

CHAP. CLXII.

An Act concerning Masters in Chancery.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Governor, by and with the advice and consent of the Council, may appoint Masters in Chancery, who shall hold their offices five years, unless sooner removed by the Governor and Council; the whole number of which, in any one county, including those now in office, shall not exceed four.

Governor to appoint.

Number not to exceed four.

[Approved by the Governor, April 21, 1838.]

CHAP. CLXIII.

An Act for the relief of Insolvent Debtors, and for the more equal distribution of their effects.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Any debtor residing in this Commonwealth, who shall desire to take the benefit of this act, may apply, by petition to the judge of probate for the county within which he resides, or in which he has his usual place of business, setting forth his inability to pay all his debts, and his willingness to assign all his estate and effects for the benefit of his creditors, and praying that such proceedings may be had in the premises as in this act are provided ; and if it shall appear to the satisfaction of the said judge, that the debts due from such applicant amount to

Petition by insolvent debtor.

Warrant.

Messenger.

not less than five hundred dollars, the said judge shall forthwith, by warrant under his hand and seal, appoint some suitable person as messenger to take possession of all the estate, real and personal, of such debtor, excepting such as may be by law exempted from attachment, and of all the deeds, books of account, and papers of such debtor, and to keep the same safely until the appointment of assignees as hereinafter provided.

Public notice of the insolvency.

SEC. 2. The said messenger shall forthwith give public notice, by advertisement, in such newspapers as shall be designated by the judge, and also, such personal or other notice to any persons concerned as the judge shall prescribe, which notice shall state that a warrant has issued against the estate of such debtor, and that the payment of any debts, and the delivery of any property belonging to such debtor, to him or for his use, and the transfer of any property by him, are forbidden by law; and the messenger shall, in the same notice, call a meeting of the creditors of such debtor, to prove their debts, and to choose one or more assignees of his estate; which meeting shall be held at some convenient time and place, to be designated in the warrant, the time to be not less than ten days, and not more than thirty days after the issuing of the warrant. And the said

First meeting of the creditors.

Proof of debts.

Choice of assignees.

judge shall attend the said meeting, and shall allow all the debts that shall be duly proved before him, and shall cause a list thereof to be made, which shall be certified by himself, and shall be recorded and filed with the other papers and proceedings in the case. And the creditors shall then proceed, in the presence of the said judge, to choose one or more assignees of the estate of the debtor; the choice to be made by the greater part in value of the

creditors, according to the debts then proved: *provided*, that when the number of creditors present shall amount to five, and less than ten, the votes of two at least, shall be necessary for a choice, and when the number of creditors shall amount to ten or more, the votes of three at least shall be necessary for a choice. And in case no choice shall be made by the creditors at said meeting, the said judge shall appoint one or more assignees. And in case any assignee so chosen shall fail to express, in writing, his acceptance of the trust, within four days, the judge of probate may fill any vacancy occasioned thereby.

SEC. 3. All debts due and payable from such debtor, at the time of the first publication of the notice of issuing the said warrant, may be proved and allowed against his estate assigned as aforesaid; and all debts then absolutely due, although not payable until afterwards, may be proved and allowed as if payable presently, with a discount or rebate of interest, when no interest is payable by the contract, until the time when the debt would become payable; and all moneys due from such debtor on any bottomry or respondentia bond, or on any policy of insurance, may be proved and allowed, in case the contingency or loss should happen before the making of the first dividend, in like manner as if the same had happened before the said first publication of the said notice; and in case the debtor shall be liable for any debt, in consequence of having made or endorsed any bill of exchange or promissory note before the first publication of the said notice, or in consequence of the payment by any party to any bill or note, of the whole or any part of the money secured thereby, or of the payment of any sum by any surety of the debtor in any contract whatsoever, although such payment in either case shall be made

Debts proveable.

after the said first publication, provided it be made before the making of the first dividend, such debt shall be considered, for all the purposes of this act, as contracted at the time when such bill or note or other contract shall have been so made or endorsed, and may be proved and allowed as if the said debt had been due and payable by the said debtor before the said first publication; and all demands against the debtor, for or on account of any goods or chattels wrongfully obtained, taken, or withheld by him, may be proved and allowed as debts, to the amount of the worth of the property thus taken; and no debt other than those above mentioned shall be proved or allowed against the estate assigned as aforesaid.

Set off of debts.

And when it shall appear that there has been mutual credit given by the debtor and any other person, or mutual debts between them, the account between them shall be stated, and one debt shall be set off against the other, and the balance of such account and no more shall be allowed or paid on either side respectively.

Debts secured by mortgage or pledge.

And when any creditor shall have any mortgage or pledge of any real or personal estate of the debtor, or any lien thereon, for securing the payment of any debt claimed by him, the property so held as security shall, if he require it, be sold, and the proceeds shall be applied towards the payment of his debt, and he shall be admitted as a creditor for the residue thereof, if any; and such sale shall be made in such manner as the judge shall order, and the creditor and the assignee respectively shall execute all such deeds and papers as may be necessary or proper for effecting the conveyance. And if the creditor shall not require such sale, and join in effecting the conveyance as aforesaid, he may release and deliver up to the assignees the premises so held

as security, and shall thereupon be admitted as a creditor for the whole of his said debt. And if the said property shall not be either sold, or released and delivered up as aforesaid, the creditor shall not be allowed to prove any part of his said debt.

SEC. 4. The said judge may, in his discretion, require proof on oath of any debt claimed before him, and may examine the party claiming the same, or the agent who shall present the claims in his behalf, and also the debtor, on their respective oaths or affirmations, on all matters relating to such claim. And any supposed creditor, whose claim shall be wholly or in part rejected by the judge, may appeal from his decision, and have the said claim determined at law; and if the debt demanded shall exceed the sum of three hundred dollars, such appeal shall be heard and determined in the supreme judicial court—otherwise in the court of common pleas; and the appeal shall be entered in the proper court which shall be first held, within or for the county in which the proceedings are had, next after the expiration of fourteen days from the time of claiming the appeal;—but no such appeal shall be allowed unless the same be claimed, and notice thereof be given to the judge or his clerk, to be entered on the record of the proceedings, and also to the assignees, or one of them, within ten days after the decision appealed from. And, upon entering such appeal, the creditor shall file in court a statement in writing of his claim, setting forth the same substantially as in a declaration for the same cause of action at law, and the assignees shall plead or answer thereto in like manner; and the like proceedings shall be had upon the joining of any issue of fact or law, and also upon the non-suit or default of either party, as in any action

Debts to be
proved on oath.

Appeal by creditor.

Appeal by assignees.

for the same cause, commenced and prosecuted in the usual manner ; excepting only that no execution shall be awarded against the assignees for the amount of the debt, if any, recovered by the creditor. And if the assignees shall be dissatisfied with the allowance of any claim by the judge, they may appeal from his decision, and have such claim determined at law ; and such appeal shall be claimed, notified, heard and determined in like manner, and the like proceedings shall be had thereon, in all respects, as are before prescribed in the case of an appeal by a creditor ; and in both cases the final judgment of the court appealed to shall be conclusive in the premises : *provided, however*, that any party aggrieved by the judgment of the court of common pleas, upon any matter of law arising on the trial of such appeal, may except thereto in the manner provided in the eighty-second chapter of the Revised Statutes ; and the judgment in such cases, being certified to the said judge of probate, shall ascertain the amount, if any, due to the claimant ; and the list of debts shall be altered, if necessary, to conform thereto. And the party prevailing in such suit shall be entitled to costs, to be taxed and recovered as in common actions, against the adverse party ; which costs, if recovered against the assignees, shall be allowed to them out of the estate of the debtor.

Costs.

Assignment.

SEC. 5. The said judge shall, by an instrument under his hand and seal, assign and convey to the person or persons chosen or appointed assignees as aforesaid, all the estate, real and personal, of the debtor, excepting such as may be by law exempted from attachment, with all his deeds, books and papers relating thereto ; which assignment shall vest in the assignees all the property of the debtor, both real and

Effect of.

personal, which he could by any way or means have lawfully sold, assigned or conveyed, or which might have been taken in execution on any judgment against him, at the time of the first publication of the notice of issuing the above-mentioned warrant, although the same may then be attached on mesne process as the property of the said debtor; and such assignment shall be effectual to pass all the said estate, and dissolve any such attachment; and the said assignment shall also vest in the said assignees all debts due to the debtor, or to any person for his use, and all liens and securities therefor, and all his rights of action for any goods or estate, real or personal, and all his rights of redeeming any such goods or estate; and the assignees shall have power to redeem all mortgages, conditional contracts, pledges and liens, of or upon any goods or estate of the debtor, or to sell the same, subject to such mortgage or other incumbrance. And the debtor shall likewise, at the expense of the estate, make and execute all such deeds and writings, and endorse all such bills, notes and other negotiable papers, and draw all such checks and orders for moneys deposited in banks or elsewhere, and do all such other lawful acts and things, as the assignees shall at any time reasonably require, and which may be necessary or useful for confirming the assignment so made by the said judge, and for enabling the assignees to demand, recover and receive all the estate and effects assigned as aforesaid, especially such part thereof, if any, as may be without this Commonwealth; and the assignees shall have the like remedy to recover all the said estate, debts and effects, in their own names, as the debtor might have had if no such assignment had been made.

Attachment.

Debts due the debtor.

Rights of redemption.

Confirmation of the assignment by the debtor.

Remedy of assignees.

Actions pending. And if, at the time of such assignment, any action shall be pending in the name of the debtor, for the recovery of any debt, or other thing, which might or ought to pass to the assignees by the said assignment, the assignees shall, if they require it, be admitted to prosecute such action in their own names, in like manner and to the like effect as if the same had been originally commenced by them as such assignees; and no suit pending in the name of the assignees shall be abated by the death or removal of any assignee; but, upon the motion of the surviving or remaining assignee, or of the new assignees, as the case may be, he or they shall be admitted to prosecute the suit, in like manner and to the like effect as if the same had been originally commenced by him or them. And in all suits prosecuted by the assignees for any debt, demand, right, title or interest, due or belonging to the insolvent debtor, the assignment made to them by the judge shall be conclusive evidence of their authority to sue as such assignees. And if the debtor shall die after the issuing of the above-mentioned warrant, the proceedings shall, notwithstanding, be continued and concluded in the like manner, and with the same validity and effect, as if he had lived; and in such case the allowance to the debtor, on the net produce of his estate, if any, shall become due, according to the provision hereinafter contained; and if the same shall not have been paid to him in his life-time, shall be paid to his executors or administrators, and shall be disposed of and distributed in like manner as any other property of which he may be possessed at the time of his decease.

Suits not to abate by the death of assignee.

Death of the debtor, after the issuing of the warrant.

Duty of the messenger.

SEC. 6. The messenger shall, as soon as may be after his appointment, demand and receive from the

debtor, and from all other persons all the estate in his or their possession respectively, which is herein above ordered to be assigned, with all the deeds, books of account, and papers of the debtor, relating thereto ; and the debtor shall accordingly deliver to the messenger such part of the said estate and other things above specified, as may then be within his possession or power, and shall disclose the situation of such parts thereof as may then be in the possession of any other person or persons, so as to enable the messenger to demand and receive the same. And the debtor shall also make a schedule, containing a full and true account of all his creditors, with the place of residence of each creditor, if known to the debtor, and the sum due to each of them. And the said schedule shall also set forth the nature of each debt, whether founded on written security, on account, or otherwise, and also the true cause and consideration thereof, and a statement of any existing mortgage, pledge or other collateral security given for the payment of the same ; which schedule he shall produce at the first meeting of his creditors, to be delivered to the assignees who shall then be chosen. And the debtor shall, at all times before the granting of his certificate as herein after provided, upon reasonable notice, attend, and submit to an examination, on oath, before the judge and the assignees, upon all matters, relating to the disposal of his estate, and to his trade and dealings with others, and his accounts concerning the same, and relating to all debts due or claimed from him, and to all other matters concerning his estate, and the due settlement thereof, according to law ; such examination to be in writing when so required by the judge, and to be signed by the debtor, and filed with the other pro-

Debtor to deliver his estate to the messenger.

To make a schedule of his creditors.

To attend and be examined on oath.

Allowance to
debtor for at-
tendance.

ceedings. And the debtor shall receive from the assignees one dollar per day for his attendance on the judge or the assignees, when required as aforesaid.

And for the sup-
port of his family.

He shall also be allowed, out of his estate, for the necessary support of himself and his family, such sum, not exceeding the rate of three dollars per week, for each member of his family, and for such time, not exceeding two months, as the judge shall order.

Second meeting
of creditors.

SEC. 7. The judge shall appoint a second meeting of the said creditors, to be held at such time, not more than three months after the date of the warrant to the messenger, as the judge shall think fit, regard being had to the distance at which the creditors, or any of them, may reside ; at which meeting any creditors who have not before proved their debts, shall be allowed to prove the same. And the debtor shall then be allowed to amend the schedule of his creditors, and to correct any mistake therein ; and he shall then make and subscribe an oath before the said judge, which shall be certified by him and filed in the case, in substance as follows :—

Schedule to be
amended.

Debtor's oath.

“ I ——— do swear that the account of my creditors, contained in the schedule made and signed by me, and now in the hands of the assignees chosen by my creditors, is in all respects just and true, according to my best knowledge and belief. And I do further swear, that I have delivered to ———, the messenger appointed in that behalf, all my estate, (excepting such parts thereof as are by law exempted from attachment, and such as have been necessarily expended for the support of myself and my family,) and all my books of account and papers, relating to my said estate, that were within my possession or power when the same were demanded of me, by the said messenger ; that I have delivered to my as-

signees all such of my said estate, books and papers as have since come to my possession; and that, if any other estate, effects or other things, which shall or ought to be assigned and delivered to the said assignees, shall hereafter come to my knowledge or possession, I will forthwith disclose or deliver the same to the said assignees. And I do further swear, that there is not any part of my estate or effects made over or disposed of in any manner for the future benefit of myself or my family, or in order to defraud my creditors." And if it shall then appear, to the satisfaction of the judge, that the debtor has made a full disclosure and delivery of all his estate, as herein before required, and that he has in all things conformed himself to the directions of this act, the judge shall grant to him a certificate there-
Certificate of discharge.
of, and the debtor shall be thereupon absolutely and wholly discharged from all his debts, which shall be at any time actually proved against his estate assigned as aforesaid; and from all debts which are proveable under this act, and which are founded on any contract made by him, after this act shall go into operation, if made within this Commonwealth, or to be performed within the same; and from all debts which are proveable as aforesaid, and which are founded on any contract made by him, after this act shall go into operation, and due to any persons who shall be resident within this Commonwealth at the time of the first publication of the notice of the issuing of the warrant mentioned in the first section of this act; and from all demands for or on account of any goods or chattels wrongfully obtained, taken or withheld by the debtor, as mentioned in the third section of this act; and the said debtor shall be also forever discharged and exempted from arrest or imprisonment,
Effect of.

Form of certificate.

in any suit, or upon any proceeding, for, or on account of any debt or demand whatever, which might have been proved against his estate as aforesaid. And the certificate to be granted by the judge, as above provided, shall be in substance as follows :

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, ss.

To all people, to whom these presents shall come, I, A. B., Judge of Probate for the said county of Suffolk, send greeting.

Whereas, it has been made to appear to me, that C. D., of B., in the said county of Suffolk, merchant, whose estate has been assigned for the benefit of his creditors, according to the provisions of an act made and passed on the —— day of ——; in the year one thousand eight hundred and thirty-eight, entitled, “an Act for the relief of Insolvent Debtors, and for the more equal distribution of their effects,” has made a full disclosure and delivery of all his estate as in said act is required; and that he has in all things conformed himself to the directions of the said act: I do accordingly certify, that by force of the act aforesaid, the said C. D. is absolutely and wholly discharged from all his debts, which have been or shall be proved against his estate, assigned as aforesaid, and from all debts which are proveable under the said act, and which are founded on any contract made by him within this Commonwealth, or to be performed within the same and made since the passing of the act aforesaid; and from all debts which are proveable as aforesaid, and which are founded on any contract made by him since the passing of said act, and due to any persons who were resident within this Commonwealth on the —— day of —— last, being the day of the first publication of the notice of

the warrant issued for the seizure of the estate of the said C. D. ; and from all demands against him, for or on account of any goods or chattels wrongfully obtained, taken or withheld by him, according to the form of the act aforesaid. And I do further certify, that the said C. D. is, by force of the act aforesaid, forever discharged and exempted from arrest or imprisonment, in any suit, or upon any proceeding, for, or on account of any debt or demand whatever, which might have been proved against his estate assigned as aforesaid.

Given under my hand and seal on this — day of —, in the year —.

Provided, however, that if one half, in number or in value, of the creditors, who shall be creditors respectively for not less than fifty dollars, and who shall have duly proved their debts, shall, by writing, under their hands, signify to the said judge of probate their dissent and objection to the granting of such certificate, the same shall not be granted ; and in such case the debtor shall not be entitled to his discharge, unless he shall obtain the same upon appeal to the supreme judicial court, as hereinafter prescribed. *And provided, further,* that no discharge of any debtor under this act, shall release or discharge any person who may be liable for the same debt, as a partner, joint contractor, indorser, surety, or otherwise, for or with the debtor.

Creditors may object to granting certificate.

Partner, &c. of debtor not discharged.

SEC. 8. In case the judge of probate shall not see cause to grant such certificate, or if the granting thereof shall be prevented by the objection of the creditors as above provided, the debtor may appeal to the supreme judicial court which shall be first held within and for the same county, next after the expiration of fourteen days from the time of claiming

Appeal of the debtor, when certificate is refused or objected to.

the appeal : *provided*, that such appeal be claimed, and notice thereof given to the said judge or his clerk, to be entered upon the record of the proceedings, within ten days after the decision appealed from. And the said appeal may be heard and determined by the said supreme judicial court, whether held by one justice thereof, or by three or more of the said justices ; and any of the said creditors may appear and object to the allowance of the certificate ; and if, after a full hearing of all the parties, it shall appear, to the satisfaction of the said court, that the debtor has made a full disclosure and delivery of all his estate, as herein above required, and that he has in all things conformed himself to the directions of this act, the court shall cause a certificate thereof, in substance like that prescribed in the preceding section, to be made under the seal of the court, and signed by the clerk thereof, and to be delivered to the said debtor ; which certificate shall have the same force and effect as herein provided with regard to the said certificate when granted by the judge of probate. And every debtor so discharged shall be allowed five per cent. on the net produce of all his estate that shall be received by the assignees, in case such net produce, after such allowance made, shall be sufficient to pay the creditors entitled to a dividend the amount of fifty per cent. on their debts respectively ; and so as the said allowance shall not exceed in the whole the sum of five hundred dollars.

Supreme judicial court may grant certificate.

Allowance to the debtor on his discharge.

Debtor may be taken from prison to be examined :

SEC. 9. If the debtor shall be in prison, either on mesne process or in execution, in any suit or proceeding, for or on account of any debt or demand whatever that is proveable against his estate, at any time before the granting of his certificate, and when his attendance may be required before the judge or

the assignees, or at any meeting of his creditors, as provided in this act, the said judge may, in his discretion, by warrant under his hand and seal, require the prison-keeper to produce the debtor for the purposes aforesaid, at such time and place as may be specified in the warrant; and in case the debtor shall, by reason of imprisonment or sickness, or any other cause which shall be deemed sufficient by the judge, be unable to attend before the judge, or the assignees, or at any meeting of his creditors, as provided in this act, then the said judge, or some person to be deputed by him for that purpose, and the assignees, or some person appointed by them, shall attend the debtor in prison, or elsewhere, if he be within this Commonwealth, in order to take his examination; and the examination thus taken shall be of the same force and effect as if the debtor had attended in person before the judge or the assignees, or at the meetings aforesaid, and had there undergone the same examination. And if the debtor shall be without this Commonwealth, and shall be unable to return and give his personal attendance at any of the times and for the purposes in this act above specified, and if it shall appear that such absence was not caused by any wilful default of the debtor, and if he shall, as soon as may be after the removal of such impediment, offer to attend and submit to an examination, on oath, before the judge and the assignees, as herein before provided, and shall do and perform all things by this act required for the purpose of obtaining his certificate, he shall be entitled thereto, in like manner as if he had done all the same things at the times respectively first above prescribed. And if the debtor shall, at the time of obtaining his certificate, be in prison, for any cause

Or may be examined in prison, or elsewhere, by the judge, &c.

Absence of the debtor without wilful default.

Certificate to discharge debtor from prison.

before mentioned in this section, he shall be discharged from such imprisonment, upon producing to the prison-keeper his certificate granted pursuant to the provisions of this act.

Certificate rendered void by perjury ;

Fraudulent concealment ; or

Fraudulent preference.

Where security is a part of the original contract.

Fraudulent sales, &c. to prefer, void.

SEC. 10. Every certificate of discharge granted to a debtor under this act, shall be of no effect, if he shall have wilfully sworn falsely as to any material fact in the course of the proceedings under this act ; or if he shall have fraudulently concealed any part of his estate or effects, or any books or writings relating thereto ; or if, after this act shall go into operation, he shall, in contemplation of his becoming insolvent, and of obtaining a discharge under the provisions of this act, make any payment, or any assignment, sale or transfer, either absolute or conditional, of any part of his estate, with a view to give a preference to any creditor, or to any person who is or may be liable as an indorser or surety for such debtor, or to any other person who has or may have any claim or demand against him : *provided*, that this clause shall not apply to any security given for the performance of any contract, when the agreement for such security is part of the original contract, and the security is given at the time of making such contract. And all such payments, assignments, sales and transfers, shall, as to the other creditors of such debtor, be void, in like manner and to the same effect, as conveyances made by any debtor to the intent or whereby his creditors may be delayed, hindered or defrauded, are now by law void as to such creditors ; and the assignees shall and may, by an action in their own names, recover from the creditor so preferred the money or other things so paid, assigned, sold or transferred to him, or the value thereof, for the use of the other creditors.

And the creditor so preferred, if he shall have accepted such payment or security, knowing that the same was made or given by the debtor contrary to the provisions of this section, shall not be allowed to prove the debt on account of which such payment or security was made or given, nor to receive any dividend therefor out of the estate assigned by force of this act.

Preferred creditor debarred from proving his debt and receiving dividend.

SEC. 11. The assignees shall forthwith cause the said assignment to be recorded in the registry of deeds in each county in the Commonwealth, in which there may be any real estate of the debtor, on which the same may operate; and shall also give public notice of their appointment, in such manner as the judge shall order; and shall demand and receive from the messenger and from all other persons, all the estate in his or their possession respectively, which shall have been assigned or intended to be assigned according to the provisions of this act; and they shall sell all the said estate, real and personal, which shall come to their hands, on such terms as they shall think most for the interest of the creditors; and shall keep a regular account of all moneys received by them as assignees, to which every creditor shall, at all reasonable times, have free resort. And the assignees shall, as soon as may be, after receiving any moneys belonging to the estate, deposit the same in some bank, in their names as assignees, or otherwise keep the same distinct and apart from all other moneys in their possession; and they shall, likewise, as far as practicable, keep all the goods and effects belonging to the estate separate and apart from all other goods in their possession, or designated by appropriate marks; so that all such moneys, goods and effects, belonging to the estate, may be

Assignment to be recorded.

Assignee to give public notice.

To demand and receive property.

To sell the estate.

To keep account.

To deposit money.

To keep the debtor's estate separate.

To retain for disbursements and services.

To submit to arbitration.

To compound and settle controversies.

Assignees may be removed.

New assignees may be chosen.

easily and clearly distinguished from other like things in the possession of the assignees, and may not be exposed or liable to be taken as their property, or for the payment of their debts. And they shall be allowed and retain out of the moneys in their hands all the necessary disbursements made by them in the discharge of their duty, and a reasonable compensation for their services, at the discretion of the judge. And the assignees shall have power, under the direction of the judge, to submit any controversy that shall arise in the settlement of any demands against the estate of the debtor, or of debts due to his estate, to the determination of one or more arbitrators, to be chosen by the assignees and the other party to such controversy; and the assignees shall likewise have power, under the direction of the judge, to compound and settle any such controversy by agreement with the other party thereto, as they shall think proper, and most for the interest of the creditors. And it shall be in the power of the creditors, by such a vote as is provided in the second section of this act for the choice of assignees, at any regular meeting called by order of the judge for that purpose, which meeting may be called by the judge at his discretion, and shall be called by him upon the application of a majority of said creditors, either in number or value,—to remove all or any of the assignees; and, upon such removal, or upon any vacancy by death or otherwise, to choose one or more assignees in his or their place; and all the estate of the debtor, not before lawfully disposed of, shall be forthwith as effectually and legally vested in such new assignee or assignees, as if the original assignment had been made to him or them; and the former assignee or assignees, and his or their

executors or administrators shall, upon the request and at the expense of the estate in the hands of the new assignee or assignees, make and execute to him or them all such deeds, conveyances and assurances, and do all such other lawful acts and things, as may be needful or proper to enable the new assignee or assignees to demand, recover and receive all the said estate. And when only one assignee shall be originally appointed, or when, by death or otherwise, the number shall be reduced to one, all the provisions in this act contained in reference to several assignees shall apply to such one.

Former assignees to make conveyances, &c.

Where but one assignee.

SEC. 12. The assignees shall, at such time as shall be appointed by the judge, within six months from the time of their appointment, call a meeting of all the creditors of the debtor, by a notice to be published in such manner as the judge shall direct, at which meeting the creditors who have not before proved their debts, shall be allowed to prove the same; and the assignees shall produce to the judge and the creditors then present, fair and just accounts of all their receipts and payments touching the estate of the debtor, and shall, if required by the judge, be examined, on oath, as to the truth of such accounts; and the said judge shall thereupon make an order in writing, under his hand, for a dividend of the said estate and effects, or of such part thereof as he shall think fit, among such of the creditors of the said debtor as shall have proved their debts, in proportion to their respective debts, which order shall be recorded with the other proceedings in the case: *provided, however*, that all debts due by the debtor to the United States, or to any persons, who, by the laws of the United States, or of this Commonwealth, are or may be entitled to a priority or preference with respect to such

Third meeting of creditors.

Accounts of assignees.

First dividend.

Privileged debts.
[See also sec. 24.]

Funds may be reserved.

debts out of the estate assigned as aforesaid, shall have the benefit of such priority or preference in like manner as if this act had not been passed. And if, at the time of ordering such dividend, it shall appear to the judge probable, that there are just claims against the estate, which by reason of the distant residence of the creditor, or for other sufficient reason, have not been proved, the judge shall, in ordering such dividend, leave in the hands of the assignees a sum sufficient to pay to every such absent creditor a proportion equal to what shall be then paid to the other creditors, which sum shall remain thus unappropriated in the hands of the assignees, until the final dividend shall be declared, or until the judge shall order its distribution.

Fourth meeting of creditors.

SEC. 13. The said assignees shall, at such time as shall be appointed by the judge, within eighteen months after the appointment of the assignees, make a second dividend of the said estate, in case the same was not wholly distributed upon the first dividend, and shall give notice of a meeting for that purpose, of all the creditors of the debtor, in such manner as the judge shall direct; at which meeting the creditors who have not before proved their debts, shall be allowed to prove the same; and the accounts of the assignees shall then be produced and examined, as provided in the preceding section, and shall be settled by the judge; and what, upon the balance thereof, shall appear to be in their hands, shall, by a like order of the judge, be divided among all the creditors who shall then have proved their debts, in proportion to their respective debts: *provided*, that no creditor whose debt shall be proved at the time of the second, or any after dividend, shall be allowed to disturb any prior dividend, but he

Accounts of assignees.

Second dividend.

Debts proved after the first or any other dividend.

shall be paid so far only as the funds remaining unappropriated in the hands of the assignees, shall be sufficient therefor. And if, at the time of appointing the meeting for the said second dividend, there shall remain in the hands of the assignees any outstanding debts, or other property due or belonging to the estate, which cannot, in the opinion of the judge, be collected and received by the assignees without unreasonable or inconvenient delay, the assignees may, under the direction of the judge, sell and assign such debts or other property, in such manner as shall be ordered by the judge. And such second dividend shall be final, unless any suit relating to the estate be then depending, or any part of the estate be outstanding, or unless some other estate or effects of the said debtor shall afterwards come to the hands of the assignees; in which cases another dividend shall be made, by the order of the judge, in the manner before provided; and further dividends shall be made in like manner, as often as occasion shall require; and at every regular meeting of the creditors, those who have not before proved their debts, shall be allowed to prove the same. And if, after the payment of all debts proved as aforesaid, any surplus shall remain in the hands of the assignees, the same shall be paid or re-conveyed to, or revest in, the debtor or his legal representatives.

Debts and outstanding property, &c., to be sold.

Second dividend to be final, unless :

Further dividends.

Debts may be proved at any regular meeting.

Surplus.

SEC. 14. The judge, at the commencement of the proceedings in each case under this act, shall appoint a clerk, who shall be sworn to the faithful discharge of his duty; and the clerk shall keep a record of all the regular meetings of the creditors, and of all the proceedings thereat, and shall preserve all papers duly filed in the course of the proceedings, and perform such other duties appertain-

Clerk.

Duty of.

Record.

Clerk may be removed.

Copies of the record to be evidence.

Judge to attend and preside at all meetings.

To adjourn.

To administer oaths.

Justices may administer oaths in certain cases.

Creditors may appear, &c. by attorney.

ing to his office, as shall be prescribed by the judge. And the record of the proceedings in each case, with all the papers filed therein, shall be enclosed together, and, at the termination of the proceedings, shall be deposited in the probate office of the county, and be there preserved under the care of the register of probate. And the judge may remove the clerk for any cause that he shall deem sufficient ; and, upon such removal, or upon the death, resignation, or absence of the clerk, may appoint another in his place. And the certificate of discharge, when granted by the judge, shall be recorded at length by the clerk, with the other proceedings ; and copies of all parts of the said record, duly certified by the register of probate, shall in all cases be admissible as evidence, *prima facie*, of the facts therein stated and contained.

SEC. 15. The judge shall attend and preside at all meetings of the creditors, and shall regulate the proceedings thereat ; and he may adjourn any meeting, from time to time, as occasion shall require, and all things lawfully done at any such adjourned meeting shall be of the like force and effect as if done at the original meeting. He shall also have the power to administer all oaths that shall be required in the course of the proceedings. And if any creditor, who shall reside more than ten miles from the place of meeting of the creditors, shall be required to make oath in support of his claim, such oath may be administered by any justice of the peace, or other person duly qualified to administer oaths in the place or county where the debtor may be ; and every creditor who has proved his debt, may appear, vote, and act, at all meetings of the creditors, by his at-

torney, duly constituted, in like manner as if he were personally present.

SEC. 16. There shall be allowed and paid, out Fees. of the estate and effects of the debtor, the following fees for the respective services hereinafter mentioned; that is to say,—

To the judge, for receiving and allowing the original petition, and issuing his warrant thereon, five dollars; and the same sum for every day which he may be employed in this duty,—to be apportioned among the several causes, if there be more than one, on which he may act on the same day. — to the judge.

To the clerk, for every day's attendance upon or with the judge, on any business arising in such causes, a sum not exceeding two dollars per day,—to be apportioned as aforesaid; and such further compensation for keeping a record of the proceedings, and for any other services performed by him, as the judge shall allow. — to the clerk.

To the messenger, such compensation as the judge shall see fit to allow, according to the circumstances of each case; regard being had to the fees allowed to sheriffs for like services. — to the messenger.

To every witness, the same fees as are or may be allowed to witnesses in the court of common pleas. — to witnesses.

SEC. 17. Every master in chancery, in the county for which he is appointed, shall have and exercise all the jurisdiction, power, and authority, herein before given to the several judges of probate for the respective counties; and all the provisions in this act contained, in reference to the said judges of probate, shall apply to the said masters in chancery respectively, in like manner as if they had been, in every instance, specially mentioned. And in case the judge of probate, or any master in chancery, before Masters in chancery to have same jurisdiction as judges of probate. One judge, &c. may take the place of another.

whom any proceedings under this act may be pending, shall die, or shall, from any cause, be absent, or unable at any time to attend and perform any of the duties required of him, the same duties shall and may be performed by any other of the said officers, in like manner as if the proceedings had been commenced before him. And no judge of probate, master in chancery, or either of said officers, shall, in any way, be the counsel or attorney of any party, in relation to any matters connected with the proceedings under any assignments, over which they may have exercised any of the powers given in this act.

Judge or master
not to be counsel.

S. J. C. to have
general superin-
tendence, &c.

To make general
rules.

To have equity
jurisdiction in all
matters of insol-
vency.

One justice may
act.

General rules to
be made at law
term.

SEC. 18. The supreme judicial court shall have a general superintendence and jurisdiction, as a court of chancery, of all cases arising under this act; and may, from time to time, make such general rules and forms as they shall judge necessary to establish and maintain a regular and uniform course of proceedings therein, in all the different counties; and they shall also have power, in all cases which are not herein otherwise specially provided for, upon the bill, petition, or other proper process, of any party aggrieved by any proceedings under this act, to hear and determine the case, as a court of chancery, and to make such order or decree therein as law and justice shall require; and all the powers granted in this section, may be exercised, either by the said court, at any law term thereof, or by any one justice thereof respectively, in like manner in all respects as other chancery powers vested in said court may by law be exercised, excepting the power of making general rules and forms as aforesaid, which latter power shall be exercised only at a law term of said court.

SEC. 19. If any person arrested on mesne process in any civil action for the sum of one hundred dollars or upwards, founded upon a demand which, in its nature, is proveable against the estate of an insolvent debtor, according to the foregoing provisions of this act, shall not give bail therein on or before the return-day of such process; or if any person shall be actually imprisoned for more than thirty days, either upon mesne process or execution, in any civil action founded on such contract, for the sum of one hundred dollars or upwards; or if any person whose goods or estate are attached on mesne process in any civil action founded on such contract, for the sum of one hundred dollars or upwards, shall not, on or before the last day of the term of the court to which such process is returnable, dissolve the attachment in the manner hereinafter provided; then, and in each of the cases aforesaid, any creditor, having a demand against such person to the amount of one hundred dollars, for which a suit might then be brought, and which is, in its nature, proveable against the estate of an insolvent debtor, according to the foregoing provisions of this act, may, within ninety days, and not after, apply by petition to the judge of probate, or to any master in chancery, for the county in which the said debtor resides, setting forth the said facts, and praying that a warrant may issue, to take possession of the estate of the said debtor, and that such further proceedings may be had as are herein above provided for dividing and distributing the same among all the creditors of such debtor. And if the facts set forth in such petition shall appear to be true, to the judge or the master in chancery to whom the same shall be presented, he shall forthwith, by warrant under his

Petition by the
creditor of an
insolvent.
Arrest.

Imprisonment.

Attachment.

Creditor's de-
mand.

hand and seal, appoint some suitable person as messenger, to take possession of all the estate, real and personal, of such debtor, in like manner as above provided in the first section of this act, with respect to the warrant therein mentioned; and the messenger shall, in addition to the public notice above required in this behalf, give notice to the debtor of the issuing of the said warrant, in such manner as the judge or master in chancery shall, in the same warrant, prescribe. And thereupon the estate of the said debtor shall be taken, disposed of, and divided among his creditors, in like manner as it would or ought to be by force of a warrant issued according to the first section of this act; and all the proceedings, after the execution of the warrant issued by force of this section, shall be conducted in the same manner as in this act is before provided, in reference to proceedings commenced upon the petition of the debtor himself.

Mode of dissolving an attachment.

SEC. 20. Any person, whose goods or estate shall be attached on mesne process in any civil action, may, at any time before final judgment therein, dissolve such attachment, by giving bond with sufficient sureties, to be approved by the court in which the action is pending, or by any justice thereof, or by any justice of the supreme judicial court, with condition to pay to the plaintiff in such action the amount, if any, that he shall recover therein, within thirty days after the final judgment in such action; and no sureties shall be deemed sufficient for this purpose, unless they are satisfactory to the plaintiff in the action, or it shall be made clearly to appear that each of the sureties, if there are only two, is worth a sum equal to that for which the attachment is laid; or, if there are more than two sureties, that

they are all together worth twice the sum for which the attachment is laid, over and above what will pay all their debts.

SEC. 21. Where two or more persons who are partners in trade become insolvent, a warrant may be issued in the manner provided in this act, either on the petition of such partners or of any one of them, or on the petition of any creditor of the partners; upon which warrant all the joint stock and property of the company, and also all the separate estate of each of the partners, shall be taken, excepting such parts thereof as may be by law exempted from attachment; and all the creditors of the company, and the separate creditors of each partner, shall be allowed to prove their respective debts. And the assignees in such case shall be chosen by the creditors of the company; and they shall keep separate accounts of the joint stock, or property of the company, and of the separate estate of each member thereof; and after deducting out of the whole amount received by the assignees the whole of the expenses and disbursements paid by them, the net proceeds of the joint stock shall be appropriated to pay the creditors of the company, and the net proceeds of the separate estate of each partner shall be appropriated to pay his separate creditors. And if there shall be any balance of the separate estate of any partner, after the payment of his separate debts, such balance shall be added to the joint stock for the payment of the joint creditors; and if there shall be any balance of the joint stock, after the payment of the joint debts, such balance shall be divided and appropriated to and among the separate estates of the several partners, according to their respective rights and interests therein, and as it would have

Insolvency of
partners.

been if the partnership had been dissolved without any insolvency ; and the sum so appropriated to the separate estate of each partner shall be applied to the payment of his separate debts. And in all such proceedings against partners, each one of them shall be entitled to the allowance before provided for the maintenance of himself and his family ; and the allowance on the net produce of the estates, as provided in the eighth section of this act, shall be computed on the joint estate, and also on each of the separate estates, as if there had been a separate warrant against each : *provided*, that neither of the partners shall receive in the whole more than five hundred dollars. And the certificate of discharge shall be granted or refused to each partner, as the same would or ought to be if the proceedings had been against him alone. And in all other respects the proceedings against partners shall be conducted in like manner as if they had been commenced and prosecuted against one person alone.

Insolvency of
general partners
in a limited partnership.

SEC. 22. When the general partners in any limited partnership, formed agreeably to the provisions of the thirty-fourth chapter of the Revised Statutes, become insolvent, the same proceedings in all respects may be had, as is provided in the preceding section, except that the separate estates and separate debts of the special partner in such limited partnerships shall not be subject to any of the proceedings against such partnerships.

Proceedings
where an insol-
vent neglects to
obey the order
of the judge.

SEC. 23. In case any insolvent shall refuse, or unreasonably neglect to execute any instrument which he shall be lawfully required, by virtue of this act, to execute, pursuant to an order of the judge, or shall disobey any lawful order or decree of the judge in relation to the settlement of his estate pur-

suant to this act, the judge shall issue his warrant to any civil officer, commanding him to arrest and commit such debtor to the common jail in the county where such debtor may be found, or where he dwelt at the time of his insolvency; and the said debtor shall remain in close custody until he shall obey the order or decree of the said judge, unless he shall be released therefrom by the supreme judicial court, or some justice thereof, on a writ of habeas corpus, pursuant to law; and any assignee appointed by virtue of this act, who shall refuse or unreasonably neglect to execute any instrument which he shall be lawfully required by the judge to execute, or shall disobey any lawful order or decree of the judge in the premises, shall be liable to be committed to, and detained in the common jail of the county where he may be found, or he dwelt at the time when he was appointed assignee, until he shall obey the said order or decree, unless he shall be released therefrom in manner aforesaid.

SEC. 24. Any person, who shall have performed any labor as an operative in the service of any insolvent, shall be entitled to receive from the assignee of such insolvent, the full amount of the wages due to him for such labor, not exceeding twenty-five dollars: *provided*, that such labor shall have been performed within sixty-five days before the insolvency of his employer; and such debts shall be deemed to be preferred debts next after debts due to the United States and to the Commonwealth.

Debts for labor privileged.

SEC. 25. All the provisions of law inconsistent with the provisions of this act are hereby repealed; saving all rights which have accrued to any person by virtue of the same, which shall be judged and

All laws inconsistent, &c. repealed.

Saving.

decided upon in the same manner as if this act had not been passed.

SEC. 26. This act shall go into operation from and after the first day of August next.

[Approved by the Governor, April 23, 1838.]

CHAP. CLXIV.

An Act to cede to the United States of America jurisdiction over lands for certain purposes.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Lands described.

The jurisdiction of the land purchased by the United States of Humphrey Lakeman and others, for the sites of two light-houses on Ipswich Beach, in the town of Ipswich ; and of the land purchased by the United States of Benjamin H. A. Collins and others, for the sites of three light-houses, near Nauset Beach, in the town of Eastham ; also of the land purchased by the United States of Justin Taylor and others, for the site of a light-house on Mayo's Beach, in the town of Wellfleet,—all in this Commonwealth,—is hereby granted to the United States of America, for erecting light-houses on the same, and for no other purpose : *provided*, that this Commonwealth shall retain, and it does hereby retain, concurrent jurisdiction with the United States, in and over all said land, so far that civil and criminal processes issued under the authority of this Commonwealth, or any officer thereof, may be executed on any part of said land or in any building erected thereon, in the same way

Proviso.

and manner as if jurisdiction had not been granted as aforesaid.

[Approved by the Governor, April 23, 1838.]

CHAP. CLXV.

An Act to enlarge the Jurisdiction of the Court of
Common Pleas.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The eighty-second chapter of the Revised Statutes is amended in the sixth section, by striking out the word "one," and inserting in the place thereof, "three."

Sections in Revised Statutes repealed.

SEC. 2. The one hundred and twenty-first chapter of the Revised Statutes is amended in the sixth and eleventh sections, by striking out the word "one," wherever the same is found, and inserting in the place thereof the word "three."

SEC. 3. This act shall take effect from and after the passage thereof, excepting as to actions before then commenced.

Not to affect actions commenced before passage of act.

[Approved by the Governor, April 23, 1838.]

CHAP. CLXVI.

An Act to authorize Francis Winship and others to construct a Draw in the Great Bridge over Charles River, between Cambridge and Brighton, in the county of Middlesex.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons authorized.

SEC. 1. Francis Winship, Gorham Parsons, Samuel Brooks, and Edward Sparhawk, and their associates, are hereby authorized to make, at their own expense, a good and sufficient draw and passage-way in the Great Bridge over Charles River, between Cambridge and Brighton, in the county of Middlesex; and also to erect such piers on either or both sides of said bridge as may be necessary to secure the bridge and facilitate the passage of vessels through the same, with a leaf or leaves of sufficient length and breadth, with every requisite for raising the same; and the whole shall be done under the superintendence and to the acceptance of the county commissioners of the county of Middlesex.

To be approved by county commissioners.

SEC. 2. Said draw, piers, leaf or leaves, and every requisite for raising the same, after they shall have been constructed and provided to the acceptance of the county commissioners, as aforesaid, shall be always thereafter maintained and kept in repair; and said draw shall be raised, and every necessary accommodation afforded to vessels having occasion to pass through the same, by day or by night, by the towns of Cambridge, West Cambridge, Lexington, and Brighton, in the same proportions as they are

To be kept in repair, &c., by what towns.

now by law liable to contribute to the support of said bridge.

[Approved by the Governor, April 23, 1838.]

CHAP. CLXVII.

An Act to annex a part of the town of Newton to the town of Roxbury.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. William Palmer, Bartholomew White, William Hutchins, Leonard Newton, and Charles Ellis, of Newton, in the county of Middlesex, with their polls and estates, and all other lands within a line beginning on the southeast corner of said Newton, at a stone post, where the same meets the line of the towns of Roxbury and Brookline, and running north, thirty-seven and an half degrees west, two hundred and eighty-five rods, to a Savin tree, marked ; thence turning and running south, fifty-six degrees west, two hundred and sixty-four rods ; thence turning and running south, forty-seven degrees west, three hundred and twenty rods, to Charles River,—are hereby set off from the town of Newton and annexed to the town of Roxbury, in the county of Norfolk.

Persons and lands to be annexed.

Dividing lines described.

SEC. 2. The land hereby set off from Newton to Roxbury, and the persons residing thereon, shall be liable to pay, and shall pay, their just proportion of all taxes which shall have been assessed on said town of Newton, prior to the passage of this act, in

To pay taxes assessed prior to passage of act, to town of Newton.

the same manner as though the same had not been passed.

[Approved by the Governor, April 23, 1838.]

CHAP. CLXVIII.

An Act to incorporate the American Factory.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Ephraim Harrington, Thomas Simmons and George Hill, their associates and successors, are hereby made a corporation, by the name of the American Factory, for the purpose of manufacturing silk, cotton and linen, and goods of which silk, cotton or linen are component parts, in the town of Roxbury, and county of Norfolk ; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, contained in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Goods to be
manufactured.

Estate.

SEC. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars ; and the whole capital of said corporation shall not exceed the sum of one hundred and fifty thousand dollars.

[Approved by the Governor, April 24, 1838.]

CHAP. CLXIX.

An Act to regulate the maintenance and repair of bridges over Mill River, between the towns of Upton and Milford, in the county of Worcester.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. The town of Upton shall maintain and keep in good repair, the bridge over Mill river, running between said Upton and Milford, near the house of Ebenezer W. Wood, in said Milford, and the road at said bridge to the distance of two rods easterly from the centre of said river, and shall pay to the town of Milford, the sum of nine dollars.

Bridge to be maintained, &c., by town of Upton.

SEC. 2. The town of Milford shall maintain, and keep in good repair, the bridge over said Mill river, near the house of Joel Taft, in said Upton, and the road at said bridge, to the distance of two rods, westerly from the centre of said river.

Bridge to be maintained, &c., by town of Milford.

[Approved by the Governor, April 24, 1838.]

CHAP. CLXX.

An Act authorizing Robert Ripley to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Robert Ripley, proprietor of a certain wharf in the northerly part of Boston, fronting on Commercial street, and lying between Comey's wharf and

Wharf to be extended to line established by the act.

Gray's wharf, is hereby authorized to extend and maintain his said wharf into the harbor channel as far as the line established by the act entitled "an act to preserve the harbor of Boston, and prevent encroachments therein," passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven, and that he shall have the right and privilege of laying vessels at the north-westerly side and the end of said wharf, and of receiving dockage and wharfage therefor: *provided*, that so much of said wharf as shall be erected under this act shall be built on piles, and that this grant shall in no wise interfere with the legal rights of any person or persons whatever.

Wharf so extended to be built on piles.

[Approved by the Governor, April 24, 1838.]

CHAP. CLXXI.

An Act to incorporate the Cummington Manufacturing Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Persons incorporated.

SEC. 1. Seth Williams, John Williams, and Hinckley Williams, and their associates and successors, are made a corporation, by the name of the Cummington Manufacturing Company, for the purpose of manufacturing cotton and woollen goods, in the town of Cummington, and county of Hampshire, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

Goods to be manufactured.

SEC. 2. Said corporation may hold, for the purpose aforesaid, real estate to the amount of fifteen thousand dollars ; and the whole capital of said corporation shall not exceed the sum of fifty thousand dollars.

[Approved by the Governor, April 24, 1838.]

CHAP. CLXXII.

An Act to repeal the Charter of the India Fire and Marine Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The act incorporating the India Fire and Marine Insurance Company, passed the twenty-fifth day of March, in the year one thousand eight hundred and thirty-four, the act in addition thereto, passed the nineteenth day of March, in the year one thousand eight hundred and thirty-five, and the act in further addition thereto, passed the sixth day of April, in the year one thousand eight hundred and thirty-six, are hereby repealed: *provided*, that nothing in this act shall be so construed as to absolve said corporation or any officer or stockholder thereof, from any liability created by the acts hereby repealed.

Corporation not
to be exempted
from liabilities.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 24, 1838.]

CHAP. CLXXIII.

An Act to repeal the Charter of the Roxbury Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporation not
to be exempted
from liabilities.

SEC. 1. An act entitled "an Act to incorporate the President, Directors and Company of the Roxbury Bank," passed the thirteenth day of April, in the year one thousand eight hundred and thirty-six, is hereby repealed: *provided*, that nothing in this act contained shall be so construed as to release or absolve the said corporation or any director or stockholder thereof, from any liability created by any provision of the act hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 24, 1838.]

CHAP. CLXXIV.

An Act in relation to a Highway from Prison Point to Lechmere's Point.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

County Commis-
sioners authoriz-
ed.

SEC. 1. The County Commissioners for the County of Middlesex are hereby authorized and empowered to lay out a highway from Prison Point, in Charlestown to Lechmere's Point, in Cambridge ; and said Commissioners, in all their proceedings in relation to said highway, shall be governed by the

provisions of the twenty-fourth chapter of the Revised Statutes.

SEC. 2. Said County Commissioners shall cause Draw to be built, to be built in any dam or bridge which shall be laid out as a part of said highway, a good and sufficient draw, for the passage of vessels, not less than twenty-seven feet wide ; and the said draw shall be kept in good repair, and raised at all times for the passage of vessels, at the expense of the town of Charlestown and Cambridge ; and the said towns shall, in relation to said highway, be subject to all the duties and liabilities, and have all the powers and privileges set forth in the twenty-fourth chapter of the Revised Statutes in relation to Highways. To be kept at expense of Charlestown and Cambridge.

[Approved by the Governor, April 24, 1838.]

CHAP. CLXXV.

An Act to repeal the Charter of the Bank of Norfolk.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. An act entitled an Act to incorporate the President, Directors and Company of the Bank of Norfolk, passed on the fourth day of March, in the year one thousand eight hundred and twenty-six, is hereby repealed : *provided*, that nothing in this act contained shall be so construed as to release or absolve the said corporation, or any director or stockholder thereof, from any liability created by any provision of the act hereby repealed. Corporation not to be exempted from liabilities.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 24, 1838.]

CHAP. CLXXVI.

An Act to extend the time for completing the Nashua and Lowell Rail-road.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The time for completing the Nashua and Lowell Rail-road is hereby extended for the term of one year.

[Approved by the Governor, April 24, 1838.]

CHAP. CLXXVII.

An Act concerning Manufacturing Corporations.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

In case of insolvency.

Stockholders not obliged to give annual notice.

SEC. 1. Whenever any corporation, which may now be subject to the provisions of the thirty-eighth chapter of the Revised Statutes, shall have become insolvent, and have assigned its property for the benefit of creditors, no liability shall attach to any stockholder, in such corporation, in consequence of a failure, after such assignment, to give the annual notice required by the twenty-second section of said chapter.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 24, 1838.]

CHAP. CLXXVIII.

An Act concerning Insurance Companies.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The directors of every Marine, or Fire and Marine Insurance Company, that has been, or that shall hereafter be, incorporated in this Commonwealth, shall require quarterly statements to be made and submitted to them, showing the actual condition of the company, signed and sworn to by the president and secretary. And if upon such statement it shall appear that the capital stock of any such company is reduced, either by losses on risks insured against, by depreciation in the value of its investments, or other cause, the president and directors shall forthwith reduce, correspondingly, the amount of subscription to be made thereafter, on any one risk ; graduating such rate of subscription by the limitations now prescribed, by the twenty-first section of the thirty-seventh chapter of the Revised Statutes, and subsequent acts, incorporating insurance companies ; and so continue such reduced rate of subscription, conformably to said quarterly returns respectively, until the capital stock shall be restored to the original amount, and invested according to law. If the said president and directors shall fail to comply with the provisions of this section, the same liability shall attach to them, as is provided in the eighteenth section of the thirty-seventh chapter of the Revised Statutes.

Directors to require quarterly statements.

When the capital stock is reduced, risks to be correspondingly reduced.

President and directors to be subject to liability, &c.

SEC. 2. Instead of the returns now required by "an Act to cause the several Insurance Companies

Time for making up annual returns prescribed.

to make annual returns," passed the eighteenth day of April, one thousand eight hundred and thirty-seven, the secretary of each insurance company shall make annual returns of the state and condition of the affairs of the company, made up to the first day of December, in each year, according to the following form :—

Form of return
to be made to
Secretary of
Commonwealth.

Place where located.
Name or title of the Company.
Amount of Capital Stock.
Amount of United States Stocks and Treasury Notes, stating amount of each kind.
Massachusetts Bank and State Stocks—amounts of each kind, and the number of Bank Shares.
Loans on Bottomry and Respondentia.
Amount invested in Real Estate.
Amount of Loans on Real Estate, secured by mortgage.
Loans on collateral and personal security.
Loans on personal security only.
Cash on hand.
Reserved or Contingent Fund.
Amount invested in Rail-road Stock, stating each kind, number of Shares of each, and amount.
Amount of Losses ascertained and unpaid.
Amount of estimated Losses, exclusive of such as are returned as ascertained and unpaid.
Amount of Premium Notes on risks terminated.
Amount of Premium Notes on risks not terminated.
Total amount of Premium Notes.
Amount of Notes considered bad or doubtful, not charged to profit and loss.
Amount of Marine Risks undetermined.
Amount of Fire Risks undetermined.
Amount of Premium on Fire Risks undetermined.
Average Annual Dividends for five preceding years, if so long incorporated, or since incorporated.
Highest rate of Interest received on Loans, excepting on Bottomry or Respondentia.
Highest rate of Interest or Discount paid for moneys borrowed by the Company.
Amount borrowed, and on what security.
What amount of the Capital Stock is pledged to the Company.
Amount of Fire Losses paid the last year.
Amount of Marine Losses paid the last year.
Number of Shares of the Capital Stock owned by the Company, of that which remain unsubscribed for.

which he shall transmit to the secretary of the Commonwealth, as required by said act.

Secretary to furnish copies of form of return.

SEC. 3. The secretary of the Commonwealth shall furnish two printed copies of the form of the return, required by the preceding section, to the secretary of each insurance company, in the month of October, annually.

[Approved by the Governor, April 24, 1838.]

CHAP. CLXXIX.

An Act to revive the New Bedford and Fall River Rail-road Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The act to incorporate the New Bedford and Fall River Rail-road Company, passed April the sixteenth, in the year one thousand eight hundred and thirty-six, is hereby revived and continued in force; any thing in the seventh section of said act to the contrary notwithstanding; and the limitations contained in said seventh section are hereby extended for the term of two years.

Limitations in former act extended.

[Approved by the Governor, April 24, 1838.]

CHAP. CLXXX.

An Act in addition to an Act to incorporate the Weymouth Iron Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Weymouth Iron Company are hereby authorized and empowered to manufacture copper in its various branches.

Authorized to manufacture copper.

[Approved by the Governor, April 24, 1838.]

CHAP. CLXXXI.

An Act in addition to an Act to establish the City of Lowell.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Number to constitute a quorum of common council.

SEC. 1. Thirteen members of the common council, of the city of Lowell, may constitute a quorum for the transaction of business.

Special board of overseers of poor, how composed.

SEC. 2. All the powers and duties now by law incumbent upon the mayor and aldermen, as overseers of the poor, are hereby vested in a special board, to consist of the mayor, two members of the board of aldermen, to be elected by that board, and six members of the common council ; one member from each ward in the city, to be elected on the part of said council.

Bonds may be required of constables.

SEC. 3. The mayor and aldermen may require that any person, who may hereafter be appointed a constable of said city, shall give bonds to the city, with such security and to such amount as they may deem reasonable and proper, before he shall be entitled to enter upon the execution of said office ; upon which bonds the like proceedings and remedies may be had, as are by law provided in case of sheriffs' bonds in this Commonwealth.

In prosecutions, complaint, how to be set forth.

SEC. 4. In all prosecutions, by complaint, before the police court for the city of Lowell, founded on the special acts of the Legislature, or the ordinances or by-laws of the city of Lowell, it shall be sufficient to set forth in such complaint the offence, fully and plainly, substantially and formally ; and in such

complaint it shall not be necessary to set forth such special act by law, ordinance, or any part thereof.

SEC. 5. The city council may make and establish necessary or fit rules and by-laws, regulating the inspection, measurement, survey and sale of lumber, of every description, brought into or offered within said city for sale.

City council may regulate inspection, &c. of lumber.

SEC. 6. The meeting for the election of the several ward officers, enumerated in the nineteenth section of the act to which this act is in addition, shall be held on the first Monday of March, in each year, and shall, in all other respects, be conducted in the same manner as is now provided by the aforesaid section.

Meeting for election of ward officers, when to be held.

SEC. 7. The convention of the two branches of the city council, provided for in the fifteenth section of the act to which this act is in addition, may be held at any time during the month of October, annually.

Convention of city council may be held in October.

SEC. 8. All parts of the aforesaid act which may be inconsistent with the provisions of this additional act, are hereby repealed.

[Approved by the Governor, April 24, 1838.]

CHAP. CLXXXII.

An Act relating to Days of Grace on Commercial Paper, in certain cases.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

In all cases where bills of exchange, drafts, or promissory notes shall become due and payable on Sunday, on the annual thanksgiving and fast days,

When payable.

When protested
for non-payment.

When notice of
dishonor to be
given.

or on the fourth day of July, the same shall be payable on the day next preceding such Sunday, annual thanksgiving and fast days, and fourth day of July ; and in case of non-payment may be noted and protested on such preceding day : *provided*, that it shall not be necessary for the holder or holders of such bills of exchange, drafts or promissory notes to give notice of the dishonor thereof, until the day next after such Sunday, thanksgiving and fast days, or fourth day of July ; and every such notice so given shall be valid and effectual to all intents and purposes.

[Approved by the Governor, April 25, 1838.]

CHAP. CLXXXIII.

An Act to repeal the Charter of the Oriental Bank.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporation not
to be exempted
from liabilities.

SEC. 1. The act entitled “an act to incorporate the President, Directors and Company of the Oriental Bank,” in Boston, passed on the twenty-third day of June, in the year one thousand eight hundred and thirty-one, and an act entitled “an act to increase the capital stock of the Oriental Bank, in Boston,” passed on the twenty-eighth day of February, in the year one thousand eight hundred and thirty-two, are hereby severally repealed : *provided*, that nothing herein contained shall be so construed as to absolve said corporation, or any director or stockholder thereof, from any liability created by the several acts hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 25, 1838.]

CHAP. CLXXXIV.

An Act concerning Suits on Probate Bonds.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SEC. 1. Whenever any judge of probate shall be an obligor as executor, administrator, guardian or trustee, or as surety for any executor, administrator, guardian or trustee, in any bond given to any former judge of probate in his said capacity, or his successor in that office, any suit upon such bond authorized by the seventieth chapter of the Revised Statutes, may be brought in the name of the judge of probate, mentioned in said bond, his executors or administrators.

When judge of probate is an obligor, &c., on any bond.

How suit is to be brought on such bond.

SEC. 2. The register of probate, for the county in which the said bond was given, may authorize the suit thereon in the same manner and upon the same conditions as the judge of probate may do in other cases.

Register to authorize such suit.

[Approved by the Governor, April 25, 1838.]

CHAP. CLXXXV.

An Act to reduce the Capital Stock of the Citizen's Bank at Worcester.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Amount to be reduced.

Proviso.

SEC. 1. The President, Directors and Company of the Citizen's Bank, at Worcester, are hereby authorized to reduce their present capital stock to the sum of two hundred and fifty thousand dollars : *provided*, that the said corporation, as part of said reduction, shall cancel and destroy the certificates of stock now holden by them in their own name, amounting to the sum of two hundred and twenty-three thousand and one hundred dollars.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 25, 1838.]

CHAP. CLXXXVI.

An Act concerning the Attachment of Real Estate.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

Original writ or copy to be deposited with clerk of the court.

Whenever an attachment of real estate on mesne process shall be made, on any writ, it shall be the duty of the officer, making such attachment, to deposit in the office of the clerk of the court, for the county in which the lands lie, the original writ, or a copy thereof, together with so much of his return

as relates to the attachment of such estate, duly certified by him ; and he shall be entitled to receive four cents a mile for his travel, to be computed from the place of service to the office of the said clerk, together with the fee established by law for such copy. Officer's fees.

[Approved by the Governor, April 25, 1838.]

CHAP. CLXXXVII.

An Act authorizing James Bartlett to extend his Wharf.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

James Bartlett, proprietor of certain wharves in the city of Boston, fronting on Commercial street, and lying between Atkins' wharf, formerly called Proctor's wharf, and Gray's wharf, is hereby empowered and authorized to extend and maintain his said wharves into the harbor channel, as far as the line established by the act entitled an act to preserve the harbor of Boston, and to prevent encroachments therein, passed on the nineteenth day of April, in the year one thousand eight hundred and thirty-seven ; and shall have and enjoy the right and privilege of laying vessels at the sides and ends of the said wharves, and receiving dockage and wharfage therefor : *provided*, that so much of said wharves as may be constructed in said channel shall not be built otherwise than on piles, below low-water mark, and shall be within the boundary lines of the upland belonging to the said Bartlett, continued to said line established by said act : *and pro-* Wharf to be extended to line established by act, &c.

Wharf so extended, to be built on piles.

Restrictions.

vided, that this grant shall in no wise interfere with the legal rights of any other person or persons whatsoever, and that nothing herein contained shall be construed to affirm or deny the right of the proprietor of Gray's wharf to any part of said wharf which would prevent the extension of Bartlett's wharf straight to the line aforesaid.

[Approved by the Governor, April 25, 1838.]

CHAP. CLXXXVIII.

An Act to aid the Banks in resuming Specie Payments.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Operation of portion of the Revised Statutes suspended.

Proviso respecting banks in Boston.

Proviso respecting banks out of Boston.

Further provisions to entitle banks to benefit of act.

SEC. 1. The operation of the twenty-ninth section of the thirty-sixth chapter of the Revised Statutes is hereby suspended till the first day of January, in the year one thousand eight hundred and thirty-nine : *provided*, that no bank in the city of Boston, which shall not redeem its bills of the denomination of five dollars and under, in gold or silver, on demand ; and that no bank out of the city of Boston which shall not redeem its bills of a less denomination than three dollars, in gold or silver, on demand ; and no bank whatever which shall have in circulation an amount of bills greater than seventy-five per cent. of its capital stock ; or which shall have due to it a sum greater than one and three fourths of its capital stock, (except balances due from other banks ;) or whose capital stock has not

been all paid in according to law, shall have the benefit of this act.

SEC. 2. This act shall take effect from and after its passage.

[Approved by the Governor, April 25, 1838.]

CHAP. CLXXXIX.

An Act concerning the Union of School Districts.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. Any two or more contiguous school districts, in this Commonwealth, may associate together and form a Union District, for the purpose of maintaining a union school, to be kept for the benefit of the older children of such associated districts, if the inhabitants of each of such districts shall, at legal meetings called for that purpose, agree to form such union by a vote of two-thirds of the legal voters thereof.

Proceedings required to be had for forming union of districts.

SEC. 2. Every Union District thus formed, shall be a body corporate, with the corporate powers of other school districts, in relation to prosecuting and defending suits at law, and holding real and personal property, and shall be called by such name as said district at its first meeting shall determine.

Union districts to constitute a body corporate.

SEC. 3. The first meeting of such Union District shall be called in such manner and at such time and place as may be agreed upon by the associated districts, respectively, by a vote of the same, at the time of forming the Union ; and the Union District may, from time to time, thereafter, prescribe the mode of calling and warning the meetings thereof, in like

First meeting, how to be called.

manner as other school districts may do, and may also determine at what time its annual meetings shall be held.

To choose clerk. SEC. 4. Such Union District, at the first meeting thereof, shall choose, by ballot, a clerk, who shall be sworn in the same manner and shall perform the same duties as are prescribed in relation to the clerks of other school districts, and shall hold his office until another shall be chosen in his stead.

May raise money. SEC. 5. Such Union District may, at any legal meeting, called for that purpose, raise money for erecting, purchasing, renting and repairing any building to be used as a school-house for the union school, aforesaid, and purchasing or renting land for the use and accommodation thereof; also, for purchasing fuel, furniture, and other necessary articles for the use of said school, and in assessing and collecting a tax or taxes for the above purposes, the like proceedings shall be had as are prescribed by law for other school districts: said district may also determine where said school-house shall stand, and in case the location thereof should not be so determined by said district, the same shall be referred to the selectmen of the town, in the same manner as is provided in the case of other districts: said district may choose any committee to carry into effect the provisions aforesaid.

In what case, location of school-house to be referred to selectmen.

Prudential committees, how to be constituted.

Powers & duties.

SEC. 6. The prudential committees of the respective districts forming the Union District, shall, together, constitute the Prudential Committee of said district, who shall have all the powers, and discharge all the duties, in relation to said school and the school-house of said district, as are prescribed to other prudential committees in relation to the schools and school-houses in their respective districts.

Further duties.

SEC. 7. The Prudential Committee of the Union

District, shall also determine the ages and qualifications of the children of the associated districts who may attend the Union school, and shall also determine what proportion of the money raised and appropriated by the town for each of the districts composing the Union District, shall be appropriated and expended in paying the instructor or instructors of the Union school; subject, however, in both the above cases, and in all other matters relating to said school, to any votes of said Union District that may be passed at any legal meeting thereof: *provided*, Their doings to be subject to the votes of districts. *however*, that the schools in each of the associated districts shall continue to be maintained in the same manner as if this act had not been passed. Proviso.

SEC. 8. The School Committee of the town in which such Union District may be located shall have the same powers, and perform the same duties in relation to such Union school as are prescribed to them in relation to other district schools. School committee of towns, their powers and duties relative to Union districts.

[Approved by the Governor, April 25, 1838.]

CHAP. CXC.

An Act concerning the Sale of the Real Estate of Minors.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The estate of any minor may be sold for the purpose of investing the proceeds as is provided in the seventy-second chapter of the Revised Statutes, upon the petition and representation of any friend of the minor, although such petitioner be not the legal guardian; and in such case, the court may Estate of minor may be sold.

Upon petition of whom.

Who may be authorized by court to sell.

Rules prescribed

Disposition of proceeds of sale.

In case of sale by person not a guardian.

Proceeds of sale, how to be invested.

authorize the guardian or any other suitable person, to convey the estate; and also when the sale is ordered on the petition of the guardian of a minor, the court may, in their discretion, authorize any suitable person, other than the guardian, to sell and convey the estate. And all the rules which are in said seventy-second chapter prescribed with regard to a license on the petition of the guardian, and a sale by him, excepting as to the disposition of the proceeds of the sale, shall be applied to a license and sale under this act.

SEC. 2. In case of a sale by any person, other than the guardian, as provided in the preceding section, the proceeds of the sale shall be forthwith paid over to the guardian, if there be any, to be by him put out and invested in like manner as if the sale had been made by himself under the provisions of the said seventy-second chapter; and if there be no guardian, the proceeds shall be put out and invested by the person who is authorized to sell the estate, in like manner as is required to be done by a guardian, when the sale is made by him.

[Approved by the Governor, April 25, 1838.]

CHAP. CXCI.

An Act to change the Names of the several persons therein mentioned.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Suffolk.

John Bailey may take the name of John Adams Bailey; Elizabeth Lewis may take the name of Frances Elizabeth Dunnells; Henry Andrews may

take the name of Henry Richmond Andrews ; Lendol Enoch W. Freeman Witham, Delania T. Witham, and Dorcas Witham, may severally take the surname of Freeman ; William King may take the name of William Taubert King ; Albert Richardson may take the name of Albert Louis Richardson ; Mary Catharine Fitzgerald may take the name of Mary Ellen Bryant ; Mary Goddard may take the name of Mary Jane Goddard ; Anna Carpenter may take the name of Anna Swinerton ; Margery Tirrill may take the name of Mary Tirrill ; Charles Rice may take the name of Charles Brooks Rice ; Samuel Langmaid may take the name of Samuel Prentis Langmaid ; Sarah Merrill may take the name of Sarah Jane Winship ; Isaac Crockett may take the name of Daniel Wright ; Elbridge West may take the name of Elbridge Gerry West ; Francis Hatstat may take the name of Francis Wade ; Mary Chadwick Sprague may take the name of Mary Elizabeth Sprague ; Abner Shelley, Belinda Shelley and Daniel H. Shelley may severally take the surname of Shirley ; James Browne may take the name of James Henry Browne—all of the city of Boston, in the county of Suffolk. Peter Russell, of Lynn, may take the name of Orin Russell ; Ebenezer Hart, Jr. of Lynnfield, may take the name of Charles Henry Granville ; John Barnard, 3d, of Andover, may take the name of John Clark ; Joseph Tiplady, of Salem, may take the name of Joseph Taylor ; Hannah Sewell Riley, a minor, of Newburyport, may take the name of Hannah Sewell Dimmick ; Oliver William Philpot, of Methuen, may take the name of William Freeman ; Thomas Philpot, of Methuen, may take the name of Thomas Freeman ; Ann Peat, of Manchester, may take the name of Ann Hardy

Essex.

Smith; Daniel Wheeler Tuttle, Jr., of Gloucester, may take the name of Daniel Wheeler; Addison Rust, of Manchester, may take the name of Addison Clarendon; Billy Patch, of Beverly, may take the name of William Amma Patch; John Graham Milgrove, of Rowley, may take the name of John Felton; Benjamin Pickett, of Rowley, may take the name of Benjamin Franklin Pickett; Polly Eaton Parker, of Bradford, may take the name of Mary Hathorne Parker; George Henry Eye, of Lynn, a minor, may take the name of George Henry Brackett; Lucy Mary Jewett, of Ipswich, may take the name of Lucy Mary Woodbury; Mary Gould, of Ipswich, may take the name of Mary Jane Gould; Harriet Caldwell, of Ipswich, may take the name of Harriet Frances Caldwell; Mary Harris, of Ipswich, may take the name of Mary Elizabeth Harris; Elizabeth Hiddon Harris, of Ipswich, may take the name of Sarah Elizabeth Harris; Samuel Heath, of Bradford, may take the name of Samuel S. Heath; Harriet B. Smith, of Bradford, may take the name of Sarah Jane Smith; John Kinsman, of Ipswich, may take the name of John C. Kinsman—all of the county of Essex. Alden Winn, a minor, of Concord, may take the name of Alden Bradford Winn; Elmira Coombs, of Charlestown, may take the name of Helen Amanda Herbert; Jackson Ames, of Pepperell, may take the name of Asa Jackson Ames; Simeon Blanchard, of Cambridge, may take the name of Simeon Tenney Blanchard; Charlotte Pamela Pike, of Charlestown, may take the name of Charlotte Pamela Cutter; Van Rensselaer Osborn Jewell, of Marlborough, may take the name of Lewis Rensselaier Jewell; Joseph Skinner, of Holliston, may take the name of Joseph Oberlin Skinner; Jonathan Edward

Gay, of Weston, may take the name of Edward Austin Gay; Michael Gay Brackett, of Weston, may take the name of Henry Gay Brackett; Mary Ann Bettis, of Charlestown, may take the name of Mary Ann Eaton Campbell—all of the county of Middlesex. James S. Gilbert, of West Brookfield, Worcester. may take the name of James Snow Sherman; George Henry Beebe, of Auburn, a minor, may take the name of George Henry Banner; Henry Nind, of Harvard, may take the name of Charles Henry; Margaret Pollard, of Harvard, may take the name of Margaret Elizabeth Franklin Pollard; Minerva Chamberlin, of Southborough, may take the name of Minerva Wilder Chamberlin; Ezra Kendall, of Templeton, may take the name of Ezra Clay Kendall; James Toole, and Julia Ann Toole, of Auburn, may severally take the surname of Thompson; Silas Wood Smith, of Holden, may take the name of Silas Smith Hall; Samuel Witt, of Shrewsbury, may take the name of Samuel De Witt; Sarah Elizabeth Dwight Witt, of Shrewsbury, may take the name of Sarah Elizabeth Dwight De Witt; Harriet D. Flagg, of Boylston, a minor, may take the name of Caroline Flagg; Paul Wheelock, of Charlton, may take the name of John Adams Wheeler; Elisha Dorance, of Spencer, may take the name of Elisha D. Clark; James C. Clapp, of Petersham, may take the name of Ai Wood; Manasseh Sawyer Gerry, of Harvard, may take the name of Henry Albert Gerry; Oliver Burgess, of Harvard, may take the name of Oliver Warren Whitcomb; Dolly Wheeler, 2d, of Bolton, a minor, may take the name of Dolly Marion Wheeler; Moses Chase, Jr., of Sterling, may take the name of Mervine Wilbur Chase; Edwin M. Cutler, of Shrewsbury, may take the name of Edwin Miranda Garfield; Eliza Jane Sibley, of

Spencer, a minor, may take the name of Ruth Eliza Sibley; Joseph Faxon Seaver, of Northborough, may take the name of Joseph Napoleon Seaver; George Ordway, of Fitchburg, may take the name of George Henry; Alfred Ordway, of Fitchburg, may take the name of Alfred Rufus; Joshua Kendall, of Boylston, may take the name of Sanford Mason Kendall; Hiram Smith, of Oxford, may take the name of Brigham Hiram Smith; Imena W. Frost, of West Boylston, may take the name of Almira W. Frost; Henry De Wolf Handy, of Uxbridge, may take the name of Henry De Wolf; Lydia H. Wheeler, of Rutland, may take the name of Juliaetta Lydia Hall Wheeler—all of the county of Worcester. Arthur Phelps, of Hadley; may take the name of Arthur Davenport Phelps; Benjamin Fowler Witt, of Greenwich, may take the name of Fowler Pomeroy Taylor; Hiram Cowan, Sophronia Cowan, Hiram Munroe Cowan, and Harriet Maria Cowan, of Belchertown, may severally take the surname of French; Benoni Coleman, 2d, of Southampton, may take the name of William Washington Coleman; Consider McFarland, of Amherst, may take the name of Charles McFarland—all of the county of Hampshire. Norris Hoar, Mary Hoar, Mary Woodworth Hoar, Laura Hoar, Edwin Norris Hoar, and Elizabeth Joanna Hoar, of Brimfield, may severally take the surname of Hale; David Hoar, Pamela Cook Hoar, Solomon Hoar, Lucina Hoar, Linus Hoar, Betsy Bond Hoar, Ruth Bliss Hoar, Alured Hoar, Lucia Hoar, Abigail Goodell Hoar, Susan Bond Hoar, Meheta-bel Hoar, Mary Ann Brown Hoar, Ellen Edgell Hoar, Harriet Eunecia Hoar, George Carroll Hoar, Charles Alured Hoar, and Charlotte Ann Amanda Hoar, may severally take the surname of Homer;

Hampshire.

Hamden.

and Betsy Hoar, may take the name of Elizabeth Homer, all of Brimfield; Henry Stebbins, 2d, of Springfield, may take the name of Henry Willcox Stebbins; Charles H. Frost, of Springfield, may take the name of Charles H. Warren; Haskall C. Paine, of Springfield, may take the name of Haskall C. Goodman; Phineas Lyman Tinker, of Granville, may take the name of Phineas Lyman Buell; Martin Buell Tinker, of Granville, may take the name of Martin Buell—all of the county of Hampden. David Wait, senior, of Deerfield, may take the name of David Reed Wait; William Thayer Chapin, of Buckland, a minor, may take the name of William Chapin Porter; Sarah Field, of Northfield, may take the name of Sarah Callender Field; Sylvester Bangs, may take the name of Sylvester Woodbury Bangs; Charles Kellogg, may take the name of Charles Carroll Kellogg; Martha Adams Kentfield, a minor, may take the name of Martha Adams Horton—all of Montague; Orramel Cooley, of Hawley, may take the name of Orramel Wellington Cooley—all of the county of Franklin. Woodhouse Francis, of Pittsfield, may take the name of Charles Milton Francis; Jerusha P. Parish, of Adams, may take the name of Jerusha Phillips, and her minor children, Catharine A. Parish, may take the name of Catharine Phillips; Samuel C. Parish, may take the name of Samuel C. Phillips; and John Parish, may take the name of John Phillips—all of the county of Berkshire. Thomas White, of Braintree, may take the name of Thomas Alexander White; Elizabeth White Tilden, a minor, of Weymouth, may take the name of Mary Elizabeth White Tilden—all of the county of Norfolk. Edward Stowers Clapp, of Pawtucket, may take the name of Edward Stowers; John

Plymouth.

Chace, of New Bedford, may take the name of John Anthony Chace—all of the county of Bristol. Artimirisia Bryant, of Bridgewater, may take the name of Abigail Bryant—of the county of Plymouth.

Barnstable.

William Chipman, a minor, of Sandwich, may take the name of William Churchill Chipman; Kimball Chipman, a minor, of Sandwich, may take the name of Isaac Kimball Chipman; James Smalley, and his minor children, Joshua P. Smalley, Betsy C. Smalley, James H. Smalley, Mary T. Smalley, and Benjamin F. Smalley,—Samuel Smalley, Jr., and Ruth S. Smalley, his minor child,—Samuel Smalley, and his minor children, Lot Smalley, Sally Smalley, and Peggy H. Smalley,—Nathaniel H. Smalley, and his minor children, Esther T. Smalley, Uriah Smalley, and Mary S. Smalley,—Taylor Smalley, and his minor children, Jonah G. Smalley, Benjamin T. Smalley, Alexander Smalley, and Abigail Smalley,—Abraham Smalley, Jr., and his minor children, Norman S. K. Smalley, Jane C. Smalley, and Abraham Smalley, 3d,—John Smalley, and his minor children, Arnold Smalley, John Smalley, Rebeckah H. Smalley, and Pamela H. Smalley,—Abraham Smalley, Isaac Smalley, 2d, Heman Smalley, Nathan Smalley, Isaac Smalley, 3d, Thomas R. Smalley, Leonard Smalley, and Benjamin Smalley, all of Provincetown, may severally take the surname of Small—all of Barnstable county. And the several persons before mentioned, from and after the passing of this act, shall be known and called by the names, which, by this act, they are respectively allowed to assume as aforesaid, and said names shall hereafter be considered as their only proper and legal names, to all intents and purposes.

[Approved by the Governor, April 25, 1838.]

CHAP. CXCI.

An Act to incorporate the Boston Mutual Fire Insurance Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Charles Ewer, Uriel Crocker, and Osmyn Brewster, their associates and successors, are hereby made a corporation, by the name of the Boston Mutual Fire Insurance Company, in Boston, for the purpose of making insurance upon any buildings, stock, tools and furniture whatsoever in this Commonwealth; with all the duties and liabilities set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, passed on the fourth day of November, in the year one thousand eight hundred and thirty-five, and to continue for the term of twenty-eight years.

Persons incorporated.

[Approved by the Governor, April 25, 1838.]

CHAP. CXCI.

An Act in addition to an Act to aid the construction of the Eastern Rail-road.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The treasurer of the Commonwealth is hereby authorized and directed to issue scrip or certificates of debt, in the name and in behalf of the Commonwealth, for the sum of ninety thousand dol-

Scrip to be issued.

lars, payable to the bearer thereof, at the office of said treasurer, and in the form hereinafter mentioned. And the treasurer of the Commonwealth shall, under the conditions hereinafter provided, deliver the same to the treasurer of the Eastern Railroad Company, for the purpose of enabling said corporation to complete the Eastern Rail-road.

When.

SEC. 2. When the treasurer of said corporation shall have furnished evidence satisfactory to the Governor and Council, that said corporation have expended four hundred thousand dollars, collected on assessments, legally made, in addition to the amount of scrip heretofore received by it from the Commonwealth, in the construction of said road between Boston and Salem, the said scrip or certificates for said ninety thousand dollars, with warrants for interest attached thereto, shall be issued as aforesaid.

Form of scrip to
be issued.

SEC. 3. All scrip or certificates of debt hereafter to be issued to said Eastern Rail-road Company, in pursuance of this act, and "an act to aid the construction of the Eastern Rail-road," passed on the eighteenth day of April, in the year one thousand eight hundred and thirty-seven, shall be payable to the bearer thereof, and bearing an interest of five per cent. per annum, payable semi-annually at said treasurer's office, on the first days of April and October, with warrants for the interest attached thereto, signed by the treasurer, which scrip or certificates shall be payable at said treasurer's office, viz.—ninety thousand dollars at the end of three years, and the remainder at the end of twenty years from the date thereof, and in no case exceeding twenty years from the first day of April, in the year one thousand eight hundred and thirty-nine, and shall be countersigned

When to be pay-
able.

by the Governor of the Commonwealth, and be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof. And the treasurer of the Commonwealth shall, under and pursuant to the conditions contained in this and said former act, deliver the same to the treasurer of the said Eastern Rail-road Company, for the purposes therein mentioned.

SEC. 4. After the Eastern Rail-road shall be open for use from Boston to Salem, the whole nett income of said road shall be appropriated to the payment of said ninety thousand dollars and all interest due thereon; and after the payment aforesaid, a sum equal to two per cent. on the amount of all scrip or certificates of debt issued by the Commonwealth to said company, remaining unpaid, shall be annually set apart from the income of said road, and paid to the treasurer of the Commonwealth; and the whole thereof shall be by him placed at interest; and the same, with the interest annually accruing thereon, shall constitute a sinking fund for the future purchase and final redemption of all scrip or certificates of debt advanced, and which shall be advanced, by the Commonwealth to said Eastern Rail-road Company.

Income how to be appropriated.

Sinking fund how constituted.

SEC. 5. No part of said scrip shall be delivered to the treasurer of said corporation until said corporation, at an annual meeting, or at a special meeting duly notified for that purpose, shall have assented to the provisions of this act, and shall have transferred to this Commonwealth three thousand shares of the capital stock of said corporation; and the Commonwealth shall not be liable for any assessments thereon, to be held by the treasurer of the Commonwealth as further security for the payment of said ninety

When to be delivered.

On what condition.

April 25, 1838.

Bond to be given
to the State.

Rail-road to be
conveyed to
Commonwealth
for security.

Proviso.

Further condi-
tion.

thousand dollars, and all interest thereon, to be sold by the said treasurer, at the pleasure of the General Court, upon the failure of said corporation to pay said ninety thousand dollars, or the interest thereon, and shall have executed to the Commonwealth such bond, and in such form as the attorney general shall prescribe, conditioned that said corporation shall comply with the requisitions of this act, and shall faithfully expend the proceeds of said scrip in the construction of their road, and shall indemnify and save harmless the Commonwealth from all loss or inconvenience on account of said scrip, or certificates of debt; and that said corporation shall, and will pay the principal sum of said scrip or certificates which may be delivered to their treasurer, punctually, when the same shall become due, or such part thereof, as the sinking fund aforesaid may prove insufficient to pay, and the interest thereon, semi-annually, as the same shall fall due; and shall also convey to the Commonwealth, by suitable instruments, to be prepared for that purpose under the direction of the attorney general, their entire road, with its income, and all the franchise and property to them belonging, as a pledge or mortgage to secure the performance of all the conditions of said bond: *provided*, that the Commonwealth shall not take possession of said pledged or mortgaged property, unless for a substantial breach of some condition of said bond.

SEC. 6. No part of the sum of one hundred thousand dollars, nor any scrip therefor, heretofore stipulated to be granted by the Commonwealth to said Eastern Rail-road Company, when it shall have completed said road as far as the proposed depot in Newburyport, shall be advanced or issued, until the whole of said sum of ninety thousand dollars, and all

interest which may grow due thereon, shall have been paid by said corporation.

SEC. 7. Nothing contained in this act shall be construed to impair or lessen the right of the Commonwealth to purchase the said rail-road, and all the franchise, property, rights and privileges of said corporation, on the terms and conditions contained in their act of incorporation.

Right of Commonwealth to purchase not to be impaired.

SEC. 8. So much of said former act to aid the construction of the Eastern Rail-road as is contrary to the foregoing provisions, is hereby repealed. And this act shall take effect from and after its passage.

[Approved by the Governor, April 25, 1838.]

CHAP. CXCIV.

An Act concerning the Seekonk Branch Rail-road Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SEC. 1. The charter of the Seekonk Branch Rail-road Company is hereby so far altered and amended, that said company shall not be required to lay rails on that part of their road between Rocky Point and Old Wharf until said corporation may deem it necessary.

Alteration of portion of charter.

[Approved by the Governor, April 25, 1838.]

CHAP. CXCIV.

An Act to incorporate the Worcester Branch Railroad Company.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Persons incorpo-
rated.

SEC. 1. Daniel Waldo, Stephen Salisbury, and Isaac Davis, their associates and successors, are hereby made a corporation, by the name of the Worcester Branch Rail-road Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said Statutes relating to rail-road corporations.

Location de-
scribed.

SEC. 2. The said company may construct a rail-road within the town of Worcester, in the county of Worcester, commencing at Lincoln square, and thence running southerly across School, Thomas, Central, and Columbian streets, in said town, to the north line of the Boston and Worcester Rail-road, at some convenient point; and said company, with the consent of the county commissioners of said county, and of the inhabitants of said town, by a vote in a meeting called for that purpose, may construct a rail-road from said Lincoln square, along Main street, in said Worcester, to a point near the passenger depot of the Boston and Worcester Rail-road.

Capital.

SEC. 3. The capital stock of said company shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each, and said company may invest and hold such part thereof in real es-

tate as may be necessary for a depot, and for the use of said road. Estate.

SEC. 4. The said company shall not take land, for the purpose of constructing their said road, without the consent of the owner thereof; nor shall they enter on any other rail-road, without permission first obtained from the corporation on whose road they enter; nor shall any cars be moved on the road of the company hereby created, by steam power. Company not to take land without consent of owners.
Cars not be moved by steam power.

SEC. 5. If the said company be not organized, and the location of their said road filed with the county commissioners of said county of Worcester within two years from the passing of this act, and if their said road shall not be constructed within three years from said time, this act shall be void. Proviso.

[Approved by the Governor, April 25, 1838.]

CHAP. CXCVI.

An Act concerning Banks and Banking.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SEC. 1. The twenty-second section of the thirty-sixth chapter of the Revised Statutes is so far amended, that the annual meeting therein prescribed for the choice of directors in the banks of this Commonwealth, may be hereafter held by the stockholders in any bank on any day in the month of October which may be appointed by the by-laws of said bank; said meeting to be notified and conducted according to the provisions of said section. Section of chapter of Revised Statutes amended.

SEC. 2. Directors of a bank may be removed and vacancies resulting from such removal, and all How directors may be removed and vacancies filled.

other vacancies, may be filled at any special meeting of the stockholders, called and notified according to the provisions of the thirty-sixth chapter of the Revised Statutes: *provided*, that no director shall be so removed, unless the notification of such meeting shall state, that a change in the board of directors is contemplated.

Part of section repealed relating to bonds of cashiers.

SEC. 3. So much of the twenty-seventh section of said chapter as provides that no bonds shall be taken from the cashier of any bank to a greater amount than fifty thousand dollars, is hereby repealed.

Rate of exchange may be charged on notes discounted.

SEC. 4. Any bank in discounting notes of hand, payable at any other place than where such bank is established, may charge, in addition to interest, the then existing rate of exchange, in like manner as the same may now be charged by such bank on bills of exchange and drafts.

Part of section repealed respecting notice to be given.

SEC. 5. So much of the twelfth section of said chapter as requires notice to be given, in the cases therein mentioned, to the Governor and Council, and to the stockholders of any bank, is hereby repealed; and any director shall be exonerated, according to the provisions of that section, by giving notice, in the manner therein provided, to either of the bank commissioners.

Limitation in amount of loans to directors, &c.

SEC. 6. No bank shall have due to it, at any time after the first Monday in October next, either directly or indirectly, from any one of its directors or officers, or from any partnership of which any director or officer is a member, as principal, surety or endorser, upon notes, checks, drafts, or other security, a sum greater than eight per cent., or more than forty thousand dollars, or from its whole board of directors, a sum greater than thirty per cent. of

its whole capital stock, unless the stockholders, at a legal meeting, shall, by express vote, authorize a greater sum; and no vote shall be valid for that purpose for a longer period than one year and thirty days from the passing thereof, nor unless it shall name the greatest amount to be so authorized; and no person shall be a director in any bank whose whole amount of stock in said bank shall be pledged.

Stockholders may authorize increase of loan.

Persons who may not be directors.

SEC. 7. After the first day of July next, no bank shall purchase or hold its own stock, except as security for debts; and stock received as security shall be sold within six months after it shall have become the property of the bank.

No bank to hold its own stock.

Stock received as security must be sold.

SEC. 8. No cashier of any bank shall be a director thereof.

No cashier to be a director.

SEC. 9. The directors of every bank shall cause to be kept a record of the names and proceedings of all the directors who may be present at any meeting of the board, when assembled for the purpose of making discounts, or transacting any other official business relating to the bank.

Record to be kept.

SEC. 10. The secretary of the Commonwealth shall, as soon as may be, transmit a copy of this act to each bank in this Commonwealth; and no bank incorporated prior to the first day of May, in the year one thousand eight hundred and thirty-six, shall be entitled to the privileges granted by this act, unless the stockholders shall, at a legal meeting, accept the said act.

Secretary to transmit copy of act.

[Approved by the Governor, April 25, 1838.]

Commonwealth of Massachusetts.

SECRETARY'S OFFICE, MAY 17, 1838.

I HEREBY CERTIFY, that I have compared the printed copy of the Acts contained in this pamphlet, with the Original Acts, as engrossed on parchment, and passed by the Legislature, and find the same to be correct.

JOHN P. BIGELOW,

Secretary of the Commonwealth.

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TO THE LAWS,

PASSED IN

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